Pages 3779–3832

FEDERAL REGISTER

VOLUME 25 NUMBER 85

Washington, Saturday, April 30, 1960

Contents

(Continued on next page)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

6 CFR

421 3781

7 CFR

718 3785
906 3786
922 3794
930 3795
933 3795
947 3796
953 3803
995 3804
1015 3804
1023 3805
1070 3812

14 CFR

507 3813
600 (7 documents) 3813–3816
601 (6 documents) 3814–3816
602 (2 documents) 3816
PROPOSED RULES:
514 3823

15 CFR

210 3817
230 3817

19 CFR

4 3817

20 CFR

237 3817
239 3817
240 3817

29 CFR

614 3819
615 3820

32A CFR

BDSA (CH. VI):
BDSA Reg. 2, Amdt. 6 3820

33 CFR

203 3821
204 3821

41 CFR

1–2 3821

46 CFR

2 3822

49 CFR

7 3822

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

A price support program has been announced for the 1960 crop of rye. The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1960 and subsequent years is supplemented as follows:

Sec.
421.5376 Purpose.
421.5377 Availability of price support.
421.5378 Eligible rye.
421.5379 Warehouse receipts.
421.5380 Determination of quantity.
421.5381 Determination of quality.
421.5382 Maturity of loans.
421.5383 Determination of support rates.
421.5384 Warehouse charges.
421.5385 Inspection of rye under purchase agreement.
421.5386 Settlement.

AUTHORITY: §§ 421.5376 to 421.5386 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.5376 Purpose.

Sections 421.5376 to 421.5386 state additional specific requirements which, together with the general regulations contained in the 1960 C.C.C. Grain Price Support Bulletin 1, (§§ 421.5001 to 421.5022), apply to loans and purchase agreements under the 1960-crop rye price support program.

§ 421.5377 Availability of price support.

(a) *Method of support.* Price Support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1961, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.5378 Eligible rye.

Rye to be eligible for price support must meet all of the applicable requirements set forth in this section.

(a) The rye must have been produced in the United States in 1960 by an eligible producer.

(b) (1) At the time the rye is placed under loan or delivered under a purchase agreement the beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Rye, at the time it is placed under loan, and rye under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(2) Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that rye represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On rye grading 'Tough' delivery will be made of the same country-run quality, quantity, and grade, not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.5385(a), rye under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.5385(a) and the rye on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.5379 Warehouse receipts.

Warehouse receipts representing rye in approved warehouse storage to be placed under a warehouse-storage loan or delivered in satisfaction of a farm-storage loan or acquired under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of three-tenths of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade and (vii) whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must

agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.5378(c)(2), the supplemental certificates must show the numerical grade and the grading factors of the rye to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.5384.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the grain shipped. The form of these certificates will be prescribed by the CSS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(f) If the receipt is issued for rye of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own rye is not valid under State law and the warehouseman elects to deliver rye to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the rye is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing rye to be placed under loan shall indicate that the rye is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.5380 Determination of quantity.

(a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of rye on which a warehouse storage loan shall be made and the quantity of rye delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or a purchase agreement shall be the net weight of rye specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 56-pound rye:

For rye testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.5381 Determination of quality.

(a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.5382 Maturity of loans.

Nonrecourse loans mature on demand but not later than February 28, 1961, in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1961, in all other States. Recourse loans mature January 31, 1962. The maturity date for a loan shall be the maturity date for the State where the rye is stored.

§ 421.5383 Determination of support rates.

Basic support rates for rye will be set forth in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Rye. Support rates will be established for rye stored in approved warehouse storage at designated terminal markets, and for rye stored in approved country warehouses and in approved farm storage. The support rate for the quality of rye placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Rye.

(a) *Support rates at designated terminal markets.* (1)(i) In order for rye to be eligible for loan or purchase at the support rates established for designated terminal markets the rye must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any rye shipped at other than the domestic interstate freight rate shall be reduced by the difference between the rate of freight paid and the domestic interstate freight rate.

(ii) The support rates established for designated terminal markets apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market as determined by CCC, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2)(i) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented shall be equal to the applicable terminal rate minus 12 cents per bushel.

(ii) The support rate for rye received by truck and stored at any designated terminal market shall be determined by making a deduction from the applicable terminal rate an amount to be announced at a later date by an amendment to this subdivision.

(3)(i) Notwithstanding the foregoing provisions of this paragraph the support rate for rye shipped by rail or water and stored at any of the following terminal markets shall be equal to the applicable terminal rate:

Los Angeles, Stockton, and San Francisco, Calif.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate of an amount to be announced at a later date by an amendment to this subdivision, plus the transportation cost, if any, as determined by the appropriate CSS commodity office, for moving the rye to a tidewater loading facility located within the same switching limits.

(b) *Support rates for rye in approved warehouse storage at other than desig-*

nated terminal markets. (1) The support rate for rye, which is shipped by rail or water, and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight, as determined by CCC, from the point of origin for such rye to such terminal market: *Provided,* That on any rye shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of freight paid and the domestic interstate freight rate from the point of origin of such rye to the point of storage: *And provided further,* That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(c) *Discounts.* The basic support rates shall be adjusted by all applicable discounts listed in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Rye. The basic support rates will also be subject to the following provisions applicable to rye affected by State, district, or county weed control laws: Where the State committee determines that State, district, or county weed control laws, as administered, affect the rye crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the rye complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the rye is stored determines that State, district or county weed control laws as administered affect rye stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the rye complies with the weed control laws and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

_____
(Signature)

_____
(Address)

_____
(Date)

§ 421.5384 Warehouse charges.

(a) (1) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable maturity date to be determined in accordance with § 421.5382, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel to be announced later by an amendment to this paragraph unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the applicable maturity date to be determined in accordance with § 421.5382. In the case of recourse loans, there shall also be deducted the receiving and loading out charges per bushel for the commodity to be announced later by an amendment to this paragraph unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid.

(2) Notwithstanding the foregoing provisions of this paragraph, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date of loans for the commodity but subsequent to the date of deposit of the commodity in the warehouse, the deduction for storage in computing the amount of the loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through the applicable maturity date to be determined in accordance with § 421.5382.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.5382, and in the case of recourse loans the approved tariff rate for elevation charges, unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted in the case of nonrecourse price support shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.5385 Inspection of rye under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the nonrecourse loan maturity date of his intent to sell his rye stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the rye and submit it for grade analysis prior to delivery of the rye. If the rye on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for delivery. The producer whose rye is stored in other than an approved warehouse and whose rye is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his rye is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the rye, or otherwise take action to make the rye eligible and insists upon delivery of the rye, the county office shall issue delivery instructions. In such case the producer shall be further informed that if such rye, upon delivery and before purchase, does not meet the eligibility requirements of § 421.5378(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the rye will not be accepted for purchase by CCC. A predelivery inspection shall not be made on rye stored commingled in warehouses not approved for storage or on rye in an unapproved warehouse which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such rye at the time of delivery must meet the eligibility requirements of § 421.5378(c) (1) and (2).

(b) *Inspection of rye stored by producer after maturity date.* The producer may be required to retain the rye stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the nonrecourse loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the rye covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for rye which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot

accept delivery within the 60-day period following the nonrecourse loan maturity date, the producer may notify the county office at any time after such 60-day period that the rye is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the rye is going out of condition or is in danger of going out of condition and that the rye cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.5386 Settlement.

(a) *Settlement value*—(1) *Nonrecourse farm-storage loans.* In the case of eligible rye delivered to CCC from farm storage under nonrecourse loan, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under nonrecourse farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the rye delivered as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Nonrecourse warehouse-storage loans.* Settlement for eligible rye under nonrecourse warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements.* Subject to the provisions of § 421.5019 the following shall apply:

(i) *Delivery from farm storage.* Settlement for rye delivered to CCC from farm storage meeting the eligibility requirements of § 421.5378(c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If rye, which was determined to be eligible at the time of the predelivery inspection is upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible rye as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the rye, determined by the predelivery inspection, and the market price of the rye delivered, as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided further,* That, if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible rye stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of rye he elects to sell to CCC. Settlement for eligible rye delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the nonrecourse loan maturity date for delivery of rye in a warehouse not approved for storage which is stored commingled or which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such rye to CCC. Settlement for such rye delivered to CCC which meets the eligibility requirements of § 421.5378(c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's rye can be made, the provisions of § 421.5385 shall apply and settlement will be the same as for rye delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Rye ineligible for delivery inadvertently accepted by CCC.* The settlement provisions of this subdivision (iv) shall apply to the following categories of rye ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Rye which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) rye of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) rye in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery does not meet the eligibility requirements of § 421.5378(c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible rye delivered as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If rye delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such rye is inadvertently accepted by CCC, the settlement value shall be the sales price if the rye is immediately sold. If the rye is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(4) Notwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.5078(c) (2), settlement for rye delivered to or acquired by CCC in an approved warehouse under a nonrecourse farm-storage loan or purchase agreement shall be based on the quality specified in such certification.

(5) *Recourse farm-storage and warehouse-storage loans.* Settlement of recourse farm-storage and warehouse-storage loans shall be effected in accordance with the applicable provisions of

§ 421.5019 of 1960 C.C.C. Grain Price Support Bulletin 1.

(b) *Applicable support rate for settlement of nonrecourse loans and eligible quantities delivered under purchase agreements.* Subject to the provisions of § 421.5019 the support rate for settlement of nonrecourse loans and eligible quantities delivered under purchase agreements shall be determined as follows:

(1) In the case of rye stored in an approved warehouse, settlement shall be made at the applicable support rate determined in accordance with § 421.5383 for the location in which the warehouse is located, except as otherwise provided in subparagraph (4) of this paragraph.

(2) In the case of rye delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his rye to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored rye under nonrecourse loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.5384.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under nonrecourse loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on rye under nonrecourse loan or purchase agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have not been paid and CCC has not previously given the producer credit for such charges as provided in § 421.5384(b) hereof.

(e) *Storage payment where CCC is unable to take delivery of rye stored in other than an approved warehouse under nonrecourse loan or purchase agreement.* The producer may be required to retain rye stored in other than an approved warehouse under nonrecourse loan or purchase agreement for a period of 60 days after the nonrecourse loan maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rye within such 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rye to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rye is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rye to CCC and delivery cannot be accepted within such 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rates for rye provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on nonrecourse price support rye delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his nonrecourse price support rye to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the rye any distance greater than the distance from the point where the rye is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his rye to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of rye under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 27th day of April 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-3948; Filed, Apr. 29, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

"Within" Notice of Acreage

Basis and purpose. The amendments herein are issued pursuant to the Agricultural Adjustment Act, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), and the Soil Bank Act (7 U.S.C. 1801 et seq.) for the purpose of announcing the States which have exercised the option pursuant to § 718.10(a) (25 F.R. 1743) and have elected not to mail notices to farm operators in cases where the acreage determined for the farm for an allotment crop is within the allotment established for the farm or where the acreage of soil bank base crops determined for the farm is within the soil bank permitted acreage established for the farm.

Since farmers are now engaged in 1960 farming operations and determinations of acreages of which farmers normally are notified are being made in the field, it is imperative that an announcement of the States electing not to mail "'within" notices be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedures Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. In each of the following States the State Committee has elected not to mail a notice to the farm operator for the 1960 program year in any case where the acreage determined for the farm is within the allotment or within the soil bank permitted acreage established for the farm:

Arkansas.	South Dakota.
Idaho.	Utah.
Minnesota.	Vermont.
New Hampshire.	Virginia.
Pennsylvania.	

2. In the following States, the State Committee has elected not to mail a notice to the farm operator for the 1960 program year in any case where the acreage determined for the farm is

within the allotment or within the soil bank permitted acreage established for the farm except in the case of tobacco:

West Virginia. Wisconsin.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 27th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3949; Filed, Apr. 29, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Milk Order 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Amending Order

AUTHORITY: §§ 906.0 to 906.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 906.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to all milk pursuant to § 906.88.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued January 22, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of

milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 906.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 906.2 Secretary.

"Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 906.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 906.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 906.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 906.6 Oklahoma Metropolitan marketing area.

"Oklahoma Metropolitan, marketing area", hereinafter called the "Marketing Area", means all the territory within Tulsa County; the city of Sapulpa, and the township of Sapulpa in Creek County; that part of Black Dog Township in 20 North, Ranges 10, 11, and 12 East in Osage County; the cities of Muskogee, McAlester, Ponca City, and Tahlequah; Oklahoma County, except Deer Creek, Deep Fork, and Luther Townships; Moore, Taylor, Case, Liberty, Norman, and Noble Townships in Cleveland County; Bales, Davis, Dent, Brinton, Rock Creek, Forest, and Earlsboro townships in Pottawatomie County; the city and township of Guthrie in Logan County; the city and township of Stillwater and Union Township, including the city of Cushing in Payne County; and the city of Enid and Vance Air Force Base in Garfield County; all in the State of Oklahoma.

§ 906.7 Distributing plant.

"Distributing plant" means a plant:

(a) Which is approved by a duly constituted state or municipal health authority, or which is acceptable to an agency of the Federal Government for the disposition of milk at an installation in the marketing area;

(b) In which milk or skim milk is processed or packaged; and

(c) Which receives Grade A milk from other pool plants or from dairy farmers who would be producers if this plant qualified as a pool plant and from which an amount equal to 50 percent of such receipts is disposed of as Class I milk, and an amount equal to at least 5 percent of such receipts is disposed of as Class I milk on routes in the marketing area.

§ 906.8 Supply plant.

"Supply plant" means a plant which receives milk from approved dairy farmers who would be producers if this plant qualified as a pool plant and from which an amount equal to 50 percent of the receipts from such approved farmers is shipped to a distributing plant during the month in the form of fluid milk products: *Provided,* That any plant which qualifies as a pool plant during each of the months of September through December shall be a supply plant for the following months of January through August except that if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

§ 906.9 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 906.61);

(b) A supply plant; and

(c) A plant at which milk is received directly from the farms of dairy farmers holding permits or authorizations issued by a health authority having jurisdiction in the marketing area and which is operated by a cooperative association having member producers whose milk is received at other pool plants.

§ 906.10 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

§ 906.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants: *Provided,* That in the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area;

(c) A cooperative association which owns or operates a plant described in § 906.9(c) with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association (such milk shall be considered to have been received by such cooperative association at a pool plant at the location of the plant to which it is delivered); or

(d) Any cooperative association with respect to the milk of producers which it causes to be diverted to nonpool plants for the account of such cooperative association.

§ 906.12 Producer.

"Producer" means any person, other than a producer-handler, who under a dairy farm permit, authorization, or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted state or municipal health authority, or by an agency of the Federal Government located in the marketing area, produces milk which is received at a pool plant directly from the farm of such person. This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 906.81. This definition shall not include any person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the Act if the other order requires such person to be designated as a producer.

§ 906.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk, produced by a producer which is received by a handler either directly from producers or from other handlers as defined in § 906.11(c).

§ 906.14 Other source milk.

"Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, and products designated as Class II milk pursuant to § 906.41(b) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 906.15 Producer-handler.

"Producer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers or other dairy farmers.

§ 906.16 Base milk and excess milk.

(a) "Base milk" means milk received by a handler from a producer during any of the months of March through June 1960, which is not in excess of such producer's daily base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

(b) "Excess milk" means milk received by a handler from a producer during any of the months of March through June 1960, which is in excess of the base milk received from such producer during such month, and shall include all milk received from producers for whom no daily average base has been computed, pursuant to § 906.65.

§ 906.17 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery in bulk to a milk plant.

§ 906.18 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (except cream stored and frozen), cultured sour cream, and any mixture in fluid form of cream and milk or skim milk (except bulk ice cream mix).

§ 906.19 Accounting period.

"Accounting period" shall mean a calendar month unless the handler during any calendar month makes a request in writing to the market administrator requesting two accounting periods during the month. No accounting period shall be of less than 5 days duration and the request for 2 accounting periods must be made at least 48 hours prior to the end of the first accounting period in the month.

MARKET ADMINISTRATOR

§ 906.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 906.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 906.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 906.51(a) and the Class I butterfat differential computed pursuant to § 906.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 906.51(b) and the Class II butterfat differential computed pursuant to § 906.52(b) both for the previous month.

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.72 or § 906.73, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 906.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each accounting period in the month in detail on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through June, 1960, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) The quantities of skim milk and butterfat contained in opening and closing inventories;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 Reports of payments to producers.

On or before the 20th day of each month, each handler who operates a pool plant shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show: (a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of March through June 1960, such producer's deliveries of base and excess milk; (b) the amount of payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

§ 906.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe, and

(b) Each handler who causes milk to be diverted to a nonpool plant, shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 906.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to: (a) The receipts and utilization of all receipts of producer milk and other source milk; (b)

the weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; (c) payments to producers and cooperative association; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 906.34 Retention of records.

All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 906.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received during each accounting period by a handler which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of § 906.41 to § 906.46, inclusive.

§ 906.41 Classes of utilization.

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of fluid milk products (except as provided in paragraph (b) of this section) and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product,

(2) In cream stored and frozen,

(3) Disposed of for livestock feed,

(4) In skim milk dumped, after prior notification to, and opportunity for verification by the market administrator,

(5) In actual shrinkage of producer milk in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers' farms, plus one and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk and cream in fluid form received at a pool plant from both producers and other handler,

pool plants and which were not disposed of in bulk to the pool plant of another handler,

(6) In shrinkage of other source milk, and

(7) In inventory as fluid milk products at the end of the accounting period.

§ 906.42 Shrinkage.

The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk.

§ 906.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original form or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41(b)(7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46(a)(6).

§ 906.44 Transfers.

Skim milk or butterfat disposed of from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if diverted or transferred in bulk in the form of milk, skim milk or cream, including milk caused to be delivered to such handler's pool plant(s) from producers' farms by a cooperative association in its capacity as a handler pursuant to § 906.11(c), to the pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk. In no case shall the amount of milk assigned to Class I in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk if transferred in bulk in the form of cream to a nonpool plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e) (1) As Class I milk, if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such nonpool plant; and

(ii) Such nonpool plant received milk from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(f) As Class II milk if diverted or transferred in bulk in the form of milk, skim milk, or cream to a nonpool plant located not more than 300 miles by the shortest hard-surfaced highway distance from the City Hall in either Oklahoma City or Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk, skim milk, or cream to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such nonpool plant transfers milk, skim milk, or cream to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk, skim milk, or cream was trans-

ferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents were for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 Computation of skim milk and butterfat in each class.

For each accounting period, the market administrator shall correct for mathematical and for other obvious errors, the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any products utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 906.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 906.45, the market administrator shall determine the classification of producer milk received by each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk in shrinkage of producer milk determined pursuant to § 906.41(b)(5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products, other than condensed skim milk or nonfat dry milk;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 906.44;

(8) Add to the pounds of skim milk remaining in Class II, the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk in each class, beginning with Class II milk. Any amount so subtracted shall be called overage;

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add together the pounds of skim milk and butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

MINIMUM PRICES

§ 906.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 Class prices.

Subject to the provisions of §§ 906.52 and 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.55 during the months of April, May and June and plus $1.95 during all other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage";

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
Jan.	Oct.-Nov.	114	122
Feb.	Nov.-Dec.	117	125
Mar.	Dec.-Jan.	115	123
Apr.	Jan.-Feb.	114	122
May	Feb.-Mar.	118	126
June	Mar.-Apr.	126	134
July	Apr.-May	137	145
Aug.	May-June	139	147
Sept.	June-July	132	140
Oct.	July-Aug.	126	134
Nov.	Aug.-Sept.	120	128
Dec.	Sept.-Oct.	115	123

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

American Foods Co., Miami, Okla.
Eppler Creamery Co., Tulsa, Okla.
Gilt Edge Dairy, Norman, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Siloam Springs, Ark.

§ 906.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 906.53 Location adjustment credit to handlers.

For that portion of milk which is (a) received directly from producers at a pool plant located 50 or more miles from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator, and (b) is classified as Class I milk, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles: *Provided,* That for the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants is to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 906.54 Equivalent prices.

If, for any reason, a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 906.55 Rate of compensatory payment.

The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants or disposed of as Class I milk on routes in the marketing area from nonpool plants shall be calculated by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and, except in the case of condensed skim milk and nonfat dry milk by the location adjustment pursuant to § 906.53 which would apply if the nonpool plant were a pool plant: *Provided,* That in any month in which total receipts of producer milk by all handlers are less than 110 percent of the Class I utilization of all handlers, the rate of compensatory payment shall be zero.

APPLICATION OF PROVISIONS

§ 906.60 Producer-handlers.

Sections 906.40 through 906.46, 906.50 through 906.53, 906.65, 906.66, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 Handlers subject to other orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 906.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act shall report as required pursuant to §§ 906.30 and 906.31 reporting receipts from dairy farmers in lieu of such information with respect to producers and shall allow verification of such reports, and on or before the 12th day of each month he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 906.55.

DETERMINATION OF BASE

§ 906.65 Computation of daily average base for each producer.

For the months of March through June 1960 the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December 1959 by the number of days, not to be less than 90 of such producer's delivery during such period: *Provided,* That in the case of persons who become producers because the plant to which they deliver their milk becomes a pool plant on the effective date of this order, the market administrator shall compute a base by dividing the total pounds of milk received at such plant from such persons during the months of September through December 1959, by the number of days, not to be less than 90, of such person's delivery in such period.

§ 906.66 Base rules.

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Bases may be transferred only during the period of March through June 1960, by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days during the months of January through June shall forfeit his base.

DETERMINATION OF UNIFORM PRICES

§ 906.70 Computation of value of milk.

The value of milk received during each month by each handler from producers

shall be the total of the sums of money computed for each accounting period within the month by the market administrator as follows:

(a) *Handlers who receive milk from producers.* (1) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(2) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46(a)(9) and the corresponding step of § 906.46(b) by the applicable class price(s); and

(3) Add any charges computed as follows:

(i) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43(b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(ii) For any other skim milk or butterfat reclassified pursuant to § 906.43(b) a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk;

(iii) For any skim milk or butterfat subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55.

(b) *Handlers who operate pool plants but who receive no milk from producers.* (1) If any overage has been deducted pursuant to § 906.46(a) (9) or the corresponding step of § 906.46(b), multiply such amount by the applicable class price; and

(2) If any skim milk or butterfat has been subtracted from Class I pursuant to § 906.46(a) (2), (3) and (4) and the corresponding steps of § 906.46(b) multiply the pounds of milk so subtracted by the rate of compensatory payment as determined pursuant to § 906.55 and add such value to that computed pursuant to subparagraph (1) of this paragraph.

§ 906.71 Computation of aggregate value used to determine price(s).

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 Computation of uniform price.

For each month, except the months of March through June 1960, the market administrator shall compute the uniform price per hundredweight for all milk of 4 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 906.73 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June 1960, the market administrator shall compute the uniform prices per hundredweight for base and excess milk, each of 4 percent butterfat content as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price or excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat received from producers.

PAYMENTS

§ 906.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer for whom ayment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handler during the preceding month at not less than the value of such milk at the applicable class prices; and

(d) (1) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall,

(i) Pay to the cooperative association on or before the 13th and 27th days of each month in lieu of payments pursuant to paragraphs (a) and (b), respectively of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer,

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer,

(*a*) The total pounds of milk received during the preceding month,

(*b*) The total pounds of butterfat contained in such milk,

(*c*) The number of days on which milk was received,

(*d*) For the months of March through June 1960, the amount of base and excess milk received and

(*e*) The amounts withheld by the handler in payment for supplies sold, and

(iii) Submit to the cooperative association on or before the 25th day of each

month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 906.81 Location adjustment to producers.

In making payments to producers pursuant to § 906.80 each handler may deduct for each hundredweight of milk (except that during the months of March through June 1960, the deduction shall be limited to base milk) received from producers at a pool plant which is located 50 miles or more from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator the applicable amounts set forth below:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles.

§ 906.82 Producer butterfat differential.

In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 906.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 906.62, 906.84 and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 Payment out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 Adjustments of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of the month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 Expense of administration.

As his pro rata share of the expense of administration of this subpart each handler (a) who operates a pool plant(s) shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (1) other source milk which is classified as Class I milk, and (2) milk from producers including such handler's own production: *Provided*, That with respect to payments pursuant to (1) and (2) of this paragraph, for each handler using two accounting periods in a month, the rate of payment shall be twice the rate for monthly accounting periods, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting period, and (b) each handler who operates a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act shall make such payments only with respect to Class I milk disposed of on routes within the marketing area.

§ 906.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 Effective time.

The provisions of this part or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

§ 906.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 906.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 906.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 906.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C. this 27th day of April 1960, to be effective on and after the 1st day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-3943; Filed, Apr. 29, 1960; 8:51 a.m.]

[Valencia Orange Reg. 195]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.495 Valencia Orange Regulation 195.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 28, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 1, 1960, and ending at 12:01 a.m., P.s.t., May 8, 1960, are hereby fixed as follows:

(i) District 1: 450,000 cartons;

(ii) District 2: 197,113 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 29, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3997; Filed, Apr. 29, 1960; 11:36 a.m.]

[Milk Order 30]

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

Order Amending Order

§ 930.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued January 27, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order issued April 7, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In the interest of the orderly marketing of reserve supplies of milk, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c) Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Delete § 930.50(b) and substitute the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price.

2. Delete that portion of § 930.51 which reads: "to paragraph (b)(2) of § 930.50, or".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued as Washington, D.C., this 27th day of April 1960, to be effective on and after the 1st day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-3944; Filed, Apr. 29, 1960; 8:51 a.m.]

[Orange Reg. 372]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1011 Orange Regulation 372.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the bases of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 26, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., May 2, 1960, and ending at 12:01 a.m., e.s.t., May 30, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2 $^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provi-

sions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅜₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁄₁₆ inches in diameter or smaller.

Shipments of Temple oranges, grown in the production area, are, until 12:01 a.m., e.s.t., July 31, 1960, subject to the provisions of Orange Regulation 370 (§ 933.1007; 25 F.R. 1936).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3940; Filed, Apr. 29, 1960; 8:51 a.m.]

[Milk Order 47]

PART 947—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Order Regulating Handling

AUTHORITY: §§ 947.0 to 947.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 947.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to: (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 947.45(a)(3) and the corresponding step of § 947.45(b) excluding other source milk on which a corresponding assessment is payable under another Federal order. A handler operating a distributing plant which is a nonpool plant shall pay administrative assessments pursuant to § 947.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than May 1, 1960, and fully effective not later than June 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued January 11, 1960 and his revised recommended decision was issued March 31, 1960. The decision of the Assistant Secretary containing all the provisions of this order was issued April 11, 1960. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions, other than those relating to prices and payments, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective May 1, 1960, and fully effective June 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds

of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 947.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 947.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 947.3 Department.

"Department" means the United States Department of Agriculture.

§ 947.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 947.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress, February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 947.6 Suburban St. Louis marketing area.

"Suburban St. Louis marketing area" (hereinafter called the marketing area) means all the territory, including all Government installations, within the perimeter boundaries of the area which includes the counties of Bond, Calhoun, Clinton, Fayette, Franklin, Greene, Jackson, Jefferson, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery, Perry, Randolph, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen and Stites Townships and the city of Belleville), Washington and Williamson, all in the State of Illinois. "Base zone" means that portion of the marketing area included in Clinton, Franklin, Jackson, Jefferson, Madison, Marion, Monroe, Perry, Randolph, St. Clair, Washington and Williamson Counties. "Northern zone" means that portion of the marketing area included in Bond, Calhoun, Fayette, Greene, Jersey, Macoupin and Montgomery Counties.

§ 947.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) delivered directly from the farm to a pool plant, or (b) diverted to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act for the account of a handler any number of days during the months of March through July or to the extent of not more than 10 days' production during any month from August through February. Milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

§ 947.8 Producer-handler.

"Producer-handler" means any person who operates a distributing plant and processes milk from his own farm production, and who distributes all or a portion of such milk within the marketing area on a route but who receives no milk from other dairy farmers or from nonpool plants in the form of items designated in § 947.41(a): *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources used to produce milk on his own farm(s) are the personal enterprise of and at the personal risk of such person, and (b), the operation of the processing and distribution facilities is the personal enterprise of and at the personal risk of such person.

§ 947.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant; and

(c) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to delivery, notifies in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. Milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 947.10 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer whose milk is received at a pool plant during any of the months of March through July of 1961 and any year thereafter from a farm from which approved milk, which was not producer milk under this part, was delivered to another market to the extent of more than 15 days production during any of the preceding months of August through February: *Provided,* That milk from the same dairy farm was delivered by the same dairy farmer to a plant which was a pool plant during any of the months of March through July preceding the August through February period.

§ 947.11 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as Class I milk in the marketing area on routes.

§ 947.12 Supply plant.

"Supply plant" means a plant from which approved milk is moved during the month to a distributing plant which is a pool plant.

§ 947.13 Pool plant.

"Pool plant" means:

(a) A distributing plant from which during the month not less than 50 percent of total receipts of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 947.9(c) is distributed as Class I milk on routes, and from which not less than 20 percent of the plant's total Class I sales are disposed of in the marketing area on routes;

(b) A supply plant from which during the month not less than 50 percent of total receipts of approved milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 947.9(c) is shipped to distributing pool plants from each of which not less than 50 percent of total receipts of approved milk is distributed as Class I milk on routes: *Provided,* That a supply plant which qualifies as a pool plant in each of the months of August through January shall be a pool plant in each of the following months of February through July unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments: *And provided further,* That for each month from the effective date of this order through July 1960, a supply plant may be a pool plant if the operator of such supply plant furnishes proof that 50 percent of such plant's receipts of approved milk of dairy farmers during the preceding period of August through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 947.14 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 947.15 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers, or (b) received by a cooperative association in its capacity as a handler pursuant to § 947.9 (b) and (c).

§ 947.16 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a

duly constituted health authority for distribution as Class I milk.

§ 947.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 947.41(a), except (1) such products received from a pool plant, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 947.41(b)(1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 947.18 Route.

"Route" means disposition of Class I products (including disposition through a vendor and sales from a plant or plant store) to a wholesale or retail stop other than to a pool or nonpool plant.

MARKET ADMINISTRATOR

§ 947.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 947.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 947.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 947.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 947.88 that are necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary submit such books and records to examination by the Secretary and such other persons as the Secretary may designate;

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(g) Verify all reports and payments of each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce on or before:

(1) The 6th day of each month, the minimum price for Class I milk, pursuant to § 947.51(a), and the Class I butterfat differential, pursuant to § 947.53 (a), both for the current month; and the minimum price for Class II milk, pursuant to § 947.51(b), and the Class II butterfat differential, pursuant to § 947.53 (b), both for the preceding month; and

(2) The 12th day after the end of each month, the uniform price, pursuant to § 947.71, and the producer butterfat differential, pursuant to § 947.81.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be allocated to each class for each handler in the same ratio as all approved milk received by such handler during the month; and

(j) The 12th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts.

REPORTS, RECORDS AND FACILITIES

§ 947.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, for each of his pool plants, and each cooperative association who is a handler pursuant to § 947.9 (b) and (c), shall report to the market administrator for the preceding month, in the detail and on the forms prescribed by the market administrator, the following information:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk, including milk under other Federal orders;

(d) The inventories of Class I milk and milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported by this section;

(f) The name and address of each producer from whom milk was not received during the previous month, and the date in the month on which milk was first received from such producer;

(g) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer; and

(h) Such other information with respect to receipts and utilization of milk and milk products as the market administrator may request.

§ 947.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 947.32 Payroll reports.

On or before the 20th day after the end of the month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator his producer payroll for that month, which shall show for each producer:

(a) His name and address;

(b) The total pounds of milk received from such producer;

(c) The plant at which such milk was received;

(d) The days for which milk was received from such producer;

(e) The average butterfat content of such milk; and

(f) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

§ 947.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 947.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(b) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

§ 947.34 Reports of transportation rates.

On or before the 10th day after a request is received from the market ad-

ministrator, each handler who makes deductions from payments to producers for hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 947.35 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to §§ 947.30 through 947.34 and the payments required to be made pursuant to §§ 947.80 through 947.88.

§ 947.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 947.40 Basis of classification.

All skim milk and butterfat received by a handler at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 947.9(c) which is required to be reported pursuant to § 947.30 shall be classified by the market administrator pursuant to the provisions of §§ 947.41 through 947.45.

§ 947.41 Classes of utilization.

Subject to the conditions set forth in §§ 947.42 and 947.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), cream (sweet or sour), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, and sterilized products in hermetically sealed containers); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified as Class I in paragraph (a)(1) of this section;

(2) In inventory on hand in the form of products designated as Class I milk in paragraph (a) of this section at the end of the month;

(3) Accounted for and used for livestock feed;

(4) Dumped (skim milk portion only) with the prior approval of the market administrator;

(5) Actual shrinkage of skim milk and butterfat allocated pursuant to § 947.46(b)(2) not to exceed the following: 2 percent of the skim milk and butterfat, respectively, received from producers except that which is diverted pursuant to § 947.7, plus one and one-half percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 947.9(c), less one and one-half percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to other plants excluding milk diverted pursuant to § 947.7; and

(6) In shrinkage of skim milk and butterfat, respectively, allocated to other source milk pursuant to § 947.46(b)(1).

§ 947.42 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk and butterfat to establish to the satisfaction of the market administrator that such skim milk and butterfat should not be classified as Class I.

§ 947.43 Transfers.

Skim milk and butterfat transferred or diverted in bulk form as any item specified in § 947.41(a)(1) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 947.9(b) and (c) shall be classified as follows:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor-handlers claim Class II utilization in their reports submitted pursuant to § 947.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 947.45(a)(1), (2), (3), and (4) and the corresponding subtractions pursuant to § 947.45(b): *Provided,* That if the transferor plant receives other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) In the case of transfers by a cooperative association, the milk shall be allocated pro rata to each class in the proportion remaining after the computations pursuant to § 947.45(a)(7) and the corresponding step of (b).

(b) As Class I milk if moved to the plant of a producer-handler.

(c) As Class I milk if moved to a nonpool plant which is not the plant of a producer-handler unless:

(1) The transferee plant is located less than 150 miles from the main U.S. post office in either Alma, Alton, Benton or Red Bud, Illinois; or less than 50 miles from the transferor plant, by shortest highway distance as determined by the market administrator.

(2) The transferor-handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 947.30; and

(3) The operator of the transferee plant maintains books and records showing the utilization of skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification.

(d) As Class I if moved to a nonpool plant to the extent of the pro rata quantity of skim milk and butterfat pursuant to the following computations if the skim milk and butterfat, respectively, is not classified as Class I milk pursuant to paragraph (c) of this section:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act;

(3) Prorate the remaining Class I milk to bulk receipts at the nonpool plant which are fully subject to the classification and pricing provisions of this and other Federal milk orders issued pursuant to the Act; and

(4) The quantity of such Class I prorated to receipts from pool plants subject to this part shall be further prorated to such plants in accordance with the quantities claimed to be moved to such nonpool plant as Class II milk.

§ 947.44 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class, at each of the pool plants of such handler, or in the case of a cooperative association for that milk received pursuant to § 947.9(c) or diverted to a nonpool plant pursuant to § 947.9(b): *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such

product plus all of the water originally associated with such solids.

§ 947.45 Allocation of skim milk and butterfat.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to each pool plant shall be the pounds of skim milk in each class allocated to the producer milk received at such plant:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 947.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in Class I products received in consumer packages and disposed of in the same packages, if such skim milk is subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided,* That the same Class I products are not processed and packaged in containers of the same type and size in the plant during the month;

(3) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not classified, priced and pooled as Class I under the terms of another order issued pursuant to the Act (with that subject to another order subtracted last);

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk not subtracted pursuant to subparagraph (2) of this paragraph which is priced and pooled as Class I under the terms of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk the pounds of skim milk contained in inventory of items designated as Class I milk pursuant to § 947.41(a) on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract the pounds of skim milk in items designated in Class I milk pursuant to § 947.41(a) received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 947.9(c) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 947.43(a); and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and pounds of butterfat remaining in producer milk in each class pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk in each class.

§ 947.46 Shrinkage.

The market administrator shall allocate shrinkage to each pool plant and to a cooperative association in its capacity as a handler pursuant to § 947.9(c) as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between (1) skim milk and butterfat in other source milk received in bulk fluid form, and (2) skim milk and butterfat in producer milk (excluding diverted milk) and in bulk fluid receipts from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 947.9(c).

MINIMUM PRICE

§ 947.50 Basic formula price.

The basic formula price for each month to be used in determining the class prices, set forth in § 947.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

Concern and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Ava Mo.
Carnation Co., Seymour, Mo.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Litchfield Creamery Co., Litchfield, Ill.
Pet Milk Co., Greenville, Ill.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month; add 20 percent thereof;

(2) From the weighted average of carlot prices per pound of nonfat dry milk spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the month by the Department, subtract 5.5 cents and multiply by 7.0.

§ 947.51 Class prices.

Subject to the provisions of §§ 947.52 and 947.53 the minimum class prices per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I price.* The price per hundredweight of Class I milk for the first eighteen months beginning with the effective date of this section at plants located in the base zone shall be 10 cents less, and at plants located in the northern zone shall be 15 cents less than the St. Louis Federal milk order (Part 903 of this chapter), Class I price effective at a pool plant located at Collinsville, Illinois.

(b) The price per hundredweight of Class II milk shall be the St. Louis Federal milk order (Part 903 of this chapter) Class II price for the same month.

§ 947.52 Location differentials to handlers.

For producer milk which is received at a pool plant located 50 miles or more from the main U.S. post office in either Alma, Alton, Benton or Red Bud, Illinois, whichever is nearest, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 947.51(a) for plants located in the base zone shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
50 but not more than 60	9
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in the capacity as a handler, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

§ 947.53 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 947.45(c), is more or less than 3.5 percent, there shall be added to, or subtracted from, respectively, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.120 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during

the month, and round to the nearest one-tenth cent.

§ 947.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 947.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through February, subtract the uniform price adjusted by the producer butterfat and location differentials from the Class I price adjusted by the Class I butterfat and location differentials at the location of the plant from which such milk is supplied.

APPLICATION OF PROVISIONS

§ 947.60 Producer-handlers.

Sections 947.40 through 947.45, 947.50 through 947.53, 947.70 through 947.71, and 947.80 through 947.88 shall not apply to a producer-handler.

§ 947.61 Plants subject to other Federal orders.

The provision of this part shall not apply to a plant specified in paragraph (a), (b) or (c) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualifies as a pool plant pursuant to § 947.13(a) and the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Suburban St. Louis marketing area than in the marketing area regulated pursuant to such other order;

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant is a pool plant pursuant to the first or second proviso of § 947.13(b); or

(c) The Secretary determines that a plant should be subject to another order.

§ 947.62 Handlers operating nonpool distributing plants.

On or before the 25th day after the end of each month, each handler, except a producer-handler, operating a nonpool distributing plant shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 947.31(a) to pay the amounts computed pursuant to paragraph (b) of this section;

(a) An amount:

(1) For deposit to the producer-settlement fund, equal to the hundredweight of skim milk and butterfat disposed of from such nonpool plant as Class I milk in the marketing area on routes multiplied by the rate of payment on unpriced milk pursuant to § 947.55; and

(2) For administrative assessment, equal to the rate specified in § 947.87 multiplied by the hundredweight of such Class I skim milk and butterfat disposed of in the marketing area on routes, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order; or

(b) An amount:

(1) For deposit to the producer-settlement fund, equal to any plus amount remaining after deducting the amounts computed under subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 947.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 947.13(b)) which serves as a source of milk for such nonpool plant, had such plant(s) been a pool plant(s):

(i) The gross payments made on or before the 20th day after the end of the month for milk received at such nonpool plant(s) during the month from dairy farmers who supply approved milk, and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders;

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 947.87 if such nonpool plant were a pool plant during the month: *Provided,* That such amount shall be reduced by any amount paid as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act: *And provided further,* That

(i) If less Class I milk is disposed of from such nonpool plant on routes in the Suburban St. Louis marketing area than is disposed of on routes in another marketing area as defined in an order issued pursuant to the Act, and

(ii) If an administrative expense assessment is applied at such nonpool plant as if a fully regulated plant pursuant to the order for the marketing area where the volume of Class I milk disposed of from such nonpool plant is greatest, no administrative expense assessment shall be applicable under this order.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 947.70 Computation of the obligation of each handler.

For each month the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 945.45 by the applicable class price and total the resulting amounts;

(b) Add an amount computed as follows: Multiply the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 947.45 (a) (3) and (b) by the rate of payment on unpriced milk pursuant to § 947.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 947.45 (a) (8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 947.45(a) (5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 947.45(a) (5) and the corresponding step of (b) for the month, whichever is less;

(2) Multiply the rate of payment on unpriced milk pursuant to § 947.55 by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 947.45(a) (5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this paragraph, and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 947.45(a) (4) and the corresponding step of (b).

§ 947.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f.o.b. marketing area, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 947.70 for all handlers who made the reports prescribed in § 947.30 and who are not in default of payments pursuant to § 947.84;

(b) For each of the months of April, May, June, and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, which amount is to be retained in the producer settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) For each of the months of October, November and December add one-third

of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equivalent to the total deductions made pursuant to § 947.82 and add an amount computed by multiplying 5 cents by the hundredweight of producer milk received at plants located in the northern zone;

(e) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(f) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight of producer milk containing 3.5 percent butterfat delivered to plants located in the base zone.

§ 947.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 947.71 and the producer of butterfat differential computed pursuant to § 947.81; and

(c) The amounts to be paid by such handler pursuant to §§ 947.84, 947.87 and 947.88, and the amount due such handler pursuant to § 947.85.

PAYMENTS

§ 947.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph.

(2) On or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 947.88;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer;

(iv) Less proper deductions authorized in writing by such producer; and

(v) Less 5 cents for each hundredweight of milk received from each producer at a plant located in the northern zone.

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to (a)(1) and (a)(2)(i), (ii), (iii), and (v) of this section less any deductions authorized in writing by such association: *Provided,* That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such association for which the association is the handler not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

§ 947.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 947.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of one percent by which the average butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined by § 947.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 947.82 Location differentials to producers.

In making payments for milk received from producers at a pool plant located 50 miles or more from the main U.S. post office in either Alma, Alton, Benton or Red Bud, Illinois, whichever is nearest, by the shortest hard-surfaced highway distance, as determined by the market administrator the applicable uniform price shall be reduced at the rates set forth on the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	9
For each additional 10 miles or fraction thereof	1.5

§ 947.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 947.62, 947.84 and 947.86, and out of which he shall make payments due handlers pursuant to §§ 947.85 and 947.86.

§ 947.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of his milk as computed pursuant to § 947.70 for such month is greater than the obligations of such handler for milk received from producers, pursuant to § 947.80.

§ 947.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 947.80, exceeds the value of milk for such handler calculated pursuant to § 947.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 947.84, 947.86, 947.87, 947.88 or 947.89.

§ 947.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 947.87 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 20th day after the end of each month 5 cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 947.45(a)(3) and the corresponding step of § 947.45(b) excluding other source milk on which a corresponding assessment is payable under another Federal order. A handler operating a distributing plant which is a nonpool plant shall pay administrative assessments pursuant to § 947.62.

§ 947.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 947.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers

(excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

§ 947.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 947.84, 947.85, 947.87 or 947.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

TERMINATION OF OBLIGATIONS

§ 947.90 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(a) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 947.100 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 947.101.

§ 947.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 947.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 947.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 947.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 27th day of April 1960, to be effective as follows:

Sections 947.0 through 947.46, §§ 947.90 through 947.105 shall be effective on and after May 1, 1960 and all of the remaining provisions shall be effective on and after June 1, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-3945; Filed, Apr. 29, 1960; 8:51 a.m.]

[Lemon Reg. 844]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.951 Lemon Regulation 844.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee

held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 26, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 1, 1960, and ending at 12:01 a.m., P.s.t., May 8, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3970; Filed, Apr. 29, 1960; 8:58 a.m.]

[Milk Order 95]

PART 995—MILK IN NORTH CENTRAL OHIO MARKETING AREA

Order Amending Order

§ 995.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1960.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order issued April 12, 1960. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In the interest of the orderly marketing of reserve supplies of milk, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Delete § 995.51 and substitute therefor the following:

§ 995.51 Class II milk price.

Subject to the provisions of § 995.52, the minimum price per hundredweight to be paid by each handler for producer milk of 3.5 percent butterfat content at his pool plant(s) during the month which is classified as Class II milk shall be the Class III minimum price for milk of 3.5 percent butterfat content for the month, as determined pursuant to the order, as amended, regulating the handling of milk in the Northeastern Ohio marketing area (Order No. 75; Part 975 of this chapter).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 27th day of April 1960, to be effective on and after the 1st day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-3946; Filed, Apr. 29, 1960; 8:51 a.m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

Limitation of Shipments

[1015.303 Amdt. 6]

Findings. (a) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such prep-

aration, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order. In § 1015.303 (24 F.R. 7863, 8089, 8542, 9508; 25 F.R. 2512, 3315) delete the introductory paragraph and paragraph (a) and substitute in lieu thereof a new introductory paragraph and new paragraph (a) as set forth below.

§ 1015.303 Limitation of shipments.

During the period from May 5, 1960, through July 31, 1960, no person shall handle any lot of cucumbers unless such cucumbers meet the requirements of paragraphs (a), (b), (c), and (d) of this section or unless such cucumbers are handled in accordance with paragraphs (e), (f), and (g) of this section.

(a) *Minimum grade requirements.* (1) U.S. Fancy; (2) U.S. Extra No. 1; (3) U.S. No. 1; (4) U.S. No. 1 small; (5) U.S. No. 1 large.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1960, to become effective May 5, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-3942; Filed, Apr. 29, 1960; 8:51 a.m.]

[Milk Order 123]

PART 1023—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Amending Order

Sec.

AUTHORITY: §§ 1023.0 to 1023.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1023.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 6, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 22, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1023.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1023.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1023.3 Department.

"Department" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1023.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1023.5 Cooperative Association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1023.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1023.7 Approved dairy farmer.

"Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

§ 1023.8 Producer.

"Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1023.9 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1023.10 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1023.12.

§ 1023.11 Approved plant.

"Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1023.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from diary farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) or (c) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month: *Provided,* That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1023.13 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1023.14 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more approved plants, or (b) any cooperative association with respect to the milk from approved dairy farmers diverted by the association for the account of such association from an approved plant to a nonpool plant.

§ 1023.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from approved dairy farmers or from sources other than approved plants.

§ 1023.16 Approved milk.

"Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from the farm of an approved dairy farmer on more than the number of days that milk was delivered to an approved plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 1023.17 Producer milk.

"Producer milk" means approved milk which is received at a pool plant.

§ 1023.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1023.19 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1023.20 Base zone.

"Base zone" means all the territory within the boundaries of Polk County, Iowa.

§ 1023.21 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

§ 1023.22 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of March through June that is not in excess of such producer's daily base computed pursuant to § 1023.65 multiplied by the number of days in such month: *Provided,* That all milk received at a pool plant from a producer during any of the months of March through June prior to July 1961 shall be base milk.

§ 1023.23 Excess milk.

"Excess milk" means the amount of milk received at pool plants from a producer during any of the months of March through June that is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 1023.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1023.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1023.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1023.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1023.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1023.30 and 1023.31 or payments pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.86, 1023.87, and 1023.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1023.50(a) and the Class I butterfat differential pursuant to § 1023.51(a), both for the current month; and the minimum price for class II milk pursuant to § 1023.50(b) and the Class II butterfat differential pursuant to § 1023.51 (b) both for the preceding month; and

(2) The 10th day after the end of each of the months of July through February, the uniform price pursuant to § 1023.72, and the butterfat differential pursuant to § 1023.81; and

(3) The 10th day after the end of each of the months of March through June, the uniform price for base milk and excess milk pursuant to § 1023.73 and the butterfat differential pursuant to § 1023.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1023.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by receipts of approved milk and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 1023.16;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1023.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through June the total pounds of base and excess milk, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization or butterfat and skim milk as the market administrator may prescribe.

§ 1023.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1023.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1023.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1023.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1023.41 to 1023.46.

§ 1023.41 Classes of utilization.

Subject to the conditions set forth in § 1023.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be (1) skim milk and butterfat used to produce any product other than a fluid milk product; (2) skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping; (3) skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and (4) skim milk and butterfat in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1023.16) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1023.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and other source milk.

§ 1023.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1023.44 Transfers.

Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 1023.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1023.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further,* That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1023.46(a)(2) and the corresponding step in paragraph (b) thereof: *And provided further,* That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, Iowa; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1023.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 1023.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1023.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1023.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 1023.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in approved milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 1023.44(a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1023.50 Class prices.

Subject to the provisions of §§ 1023.51 and 1023.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Opcrator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Ill.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

(2) The price obtained by subtracting 60 cents from the sum of the amounts resulting from:

(i) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter; and

(ii) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1023.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1023.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 1023.52 Location differentials to handlers.

For approved milk which is received at an approved plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1023.50 shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Jefferson, Grinnell, and Ottumwa; *Provided,* That for the purpose of calculating such location differential, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1023.46(a)(4), and the comparable steps in § 1023.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1023.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1023.60 Producer-handler.

Sections 1023.40 to 1023.46, 1023.50 to 1023.52, 1023.65 to 1023.73 and 1023.80 to 1023.88 shall not apply to a producer-handler.

§ 1023.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1023.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1023.30) and allow verification of such reports by the market administrator.

§ 1023.62 Handlers operating nonpool plants.

Unless payment for approved milk at such plant is made pursuant to § 1023.80(b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by

vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 1023.63.

§ 1023.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to § 1023.72 adjusted by the Class I butterfat differential.

DETERMINATION OF BASE

§ 1023.65 Daily base.

The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided,* That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further,* That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 75 days during such months, the daily base of such producer shall be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June: *And provided further,* That any producer for whom a daily base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 15, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 1023.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through November.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 1023.67 Announcement of established bases.

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICE

§ 1023.70 Computation of value of milk at each approved plant.

The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1023.46(a)(9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 1023.46(a)(8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1023.46(a)(2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 1023.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 1023.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1023.70 for all pool plants for which the reports prescribed in § 1023.30 for such month were made, except those in default of payments required pursuant to § 1023.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1023.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1023.72 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1023.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 1023.73 Computation of uniform price for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) From the reports submitted by handlers pursuant to § 1023.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1023.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk that is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk that is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1023.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed.

The resulting figure shall be the uniform price for base milk.

PAYMENT FOR MILK

§ 1023.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform prices pursuant to §§ 1023.72 and 1023.73 adjusted pursuant to §§ 1023.81, 1023.82 and 1023.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Unless payment is made to the producer-settlement fund pursuant to § 1023.62, each handler shall make payment on or before the 15th day after the end of each month to each approved dairy farmer for approved milk received from him during the month at an approved plant which is a nonpool plant at not less than the price per hundredweight, adjusted by the butterfat differential pursuant to § 1023.81, obtained by dividing the value of approved milk at such plant computed pursuant to § 1023.70 by the hundredweight of approved milk at such plant: *Provided,* That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund.

(c) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(d) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk, including for the months of March through June the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1023.81 Butterfat differentials to producers.

The uniform prices pursuant to §§ 1023.72 and 1023.73 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1023.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1023.82 Location differentials to producers.

(a) The uniform prices pursuant to §§ 1023.72 and 1023.73 received at a pool plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa; and

(b) The uniform prices pursuant to §§ 1023.72 and 1023.73 received at a pool plant outside the base zone shall be reduced 10 cents.

§ 1023.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.85, and 1023.86: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1023.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1023.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1023.70.

§ 1023.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1023.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1023.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1023.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1023.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1023.84 and 1023.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1023.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1023.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1023.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1023.88 Expense of administration.

As his pro rata share of the expense of the administration of the order, each

handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided,* That if payment for such milk is not made pursuant to § 1023.80(b), the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1023.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1023.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1023.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1023.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1023.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1023.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1023.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 27th day of April 1960, to be effective on and after the 1st day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-3947; Filed, Apr. 29, 1960; 8:51 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Amdt. 4]

PART 1070—CUCUMBERS

Import Restrictions; Inspection and Certification

Pursuant to the requirements of section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) § 1070.3 *Cucumber Regulation No. 3* (24 F.R. 8717, 9780; 25 F.R. 2515, 3315) is hereby amended as follows:

Order. In § 1070.3 *Cucumber Regulation No. 3,* delete paragraphs (a) and (d)(2) and substitute in lieu thereof new paragraphs (a) and (d)(2) as set forth below.

§ 1070.3 Cucumber Regulation No. 3.

(a) *Import restrictions.* Effective May 5, 1960, and subsequent to that date as specified herein, no person may import cucumbers unless such cucumbers meet the following minimum or better requirements:

(1) From May 5, 1960, through July 31, 1960, U.S. No. 1 or better grade (which includes the U.S. Fancy, U.S. Extra No. 1, U.S. No. 1, U.S. No. 1 large, and U.S. No. 1 small.

(2) The requirements of this paragraph except for decay shall not be applicable to cucumbers of the Kirby, MR 17, or other pickling type cucumbers of similar varietal characteristics.

* * * * *

(d) *Inspection and certification.* * * *

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 of this chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time cucumbers will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, P.O. Box 111, Harlingen, Tex. (Tel.: Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, Room 202, Trust Building, 305 American Avenue, P.O. Box 1646, Nogales, Ariz. (Tel.: Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Tel.: Madison 2-8756).	3 days.
Metropolitan area of Miami, Florida.	Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Room 5, Miami 42, Fla. (Tel.: Franklin 1-6932).	Do.
All Florida points other than metropolitan Miami.	H. S. Flynt, 775 Warner Street, Orlando, Fla. (Tel.: Garden 2-2447).	Do.
All other points.	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Dept. of Agriculture, Washington, 25, D.C. (Tel.: Republic 7-4142, Ext. 5870.)	Do.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment beyond the date specified (5 U.S.C. 1001–1011) in that:

(i) The requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, which makes such amended regulation mandatory;

(ii) The regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality, and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.303,[1] 24 F.R. 7863, 8089, 8542, 9708, 25 F.R. 2512; 3315);

(iii) Compliance with this amended cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and

(iv) Notice hereof is hereby determined to be reasonable in accordance with the requirements of the Act and in excess of the minimum period of three days specified by the Act.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1960, to become effective May 5, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3941; Filed, Apr. 29, 1960; 8:51 a.m.]

[1] See Part 1015, F.R. Document 60-3942, *supra*.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 289; Amdt. 137]

PART 507—AIRWORTHINESS DIRECTIVES

Forney (Erco) Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of nose gear bolts on certain Forney (Erco) aircraft was published in 25 F.R. 1839.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FORNEY. Applies to Model Erco 415 Series and Aircoupe F-1 Serial Numbers 1 through 5678 incorporating electrol nose gear with aluminum scissors.

Compliance required not later than July 1, 1960.

Bolts used to attach the forged aluminum scissors to the electrol nose gear were found to be brittle. To preclude failure of these bolts and the danger of the nose wheel turning crosswise during landing, the following shall be accomplished:

Replace bolts, P/N 415-34330, with AN 5-26 bolts AN 960 washers (two per bolt) and AN 310-5 nuts. The tightened nut must not cause binding.

(Forney Service Bulletin No. 103 covers this same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 25, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3898; Filed, Apr. 29, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-7]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On January 7, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 122) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 72 between Maples, Mo., and Troy, Ill., and to modify VOR Federal airways Nos. 69 and 191 between Farmington, Mo., and Troy, Ill.

The Notice stated that the Richwoods VOR would be installed approximately March 15, 1960. However, the commissioning date of this facility has been rescheduled to October 20, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, §§ 600.6069 (24 F.R. 10513), 600.6072 (24 F.R. 10513, 24 F.R. 8491, 25 F.R. 855) and 600.6191 (24 F.R. 10521, 25 F.R. 2360) are amended as follows:

1. In the text of § 600.6069 *VOR Federal airway No. 69 (Shreveport, La., to Chicago, Ill.)*, delete "intersection of the Farmington omnirange 351° True and the Troy VOR 230° radials;" and substitute therefor "INT of the Farmington VOR 351° True and the Troy VOR 234° True radials;".

2. In the text of § 600.6072 *VOR Federal airway No. 72 (Fayetteville, Ark., to Albany, N.Y.)*, delete "INT of the Maples VOR 055° and the Troy VOR 230° radials;" and substitute therefor "Richwoods, Mo., VOR;".

3. In the text of § 600.6191 *VOR Federal airway No. 191 (Memphis, Tenn., to Sag Bridge, Ill., and Chicago, Ill., to Rhinelander, Wis.)*, delete "INT of the Farmington VOR 351° and the Troy VOR 230° radials;" and substitute therefor "INT of the Farmington VOR 351° True and the Troy VOR 234° True radials."

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3900; Filed, Apr. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 59-AN-3]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway, Associated Control Areas and Reporting Point

On January 7, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 122) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 456 and its associated control areas from Redoubt Bay, Alaska, to Anchorage, Alaska.

Although not mentioned in the Notice, Redoubt Bay, Alaska, intersection is required as a reporting point for the efficient control of air traffic. Therefore, such action is being taken herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. In Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530), the following sections are added:

§ 600.6456 VOR Federal airway No. 456 (Redoubt Bay, Alaska, to Anchorage, Alaska).

From the INT of the Anchorage VOR 241° True radial and the W course of the Kenai, Alaska, RR to the Anchorage, Alaska, VOR.

§ 601.6456 VOR Federal airway No. 456 control areas (Redoubt Bay, Alaska, to Anchorage, Alaska).

All of VOR Federal airway No. 456.

§ 601.7001 [Amendment]

2. In § 601.7001 (24 F.R. 10606) "Redoubt Bay INT: The INT of the Anchorage, Alaska, VOR 241° True radial and the Kenai, Alaska, RR W course." is added.

These amendments shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3899; Filed, Apr. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Designation of Reporting Points

On December 9, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 9935) stating that the Federal Aviation Agency proposed to modify segments of the following VOR Federal airways and designate three reporting points: Victor 3 from Savannah, Ga., to Florence, S.C.; Victor 157 from Allendale, S.C., to Florence via a VOR to be installed approximately March 15, 1960, near Vance, S.C.; Victor 3 east between Florence and Raleigh, N.C., via a VOR to be installed approximately March 15, 1960, near Fayetteville, N.C.; Victor 53 between Columbia, S.C., and Charleston, S.C.; Victor 18 south between Allendale and Charleston; and designate the Vance VOR, the Fayetteville VOR and the Ritter, S.C., intersection as domestic VOR reporting points.

Subsequent to the publication of the Notice, the commissioning dates of the Vance and the Fayetteville VOR's were rescheduled to August 25, 1960. Additionally, it has been determined that the south alternate to Victor 18 between Allendale and Charleston should be redesignated via the Allendale 117° True radial instead of the 119° True radial, and the segment of Victor 53 between Columbia and Charleston should be redesignated via the Columbia 151° True radial instead of the 152° True radial, so that the intersections formed by these respective radials will coincide with the centerline of the redesignated Victor 3.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 600.6003 (24 F.R. 10503, 25 F.R. 2011, 2662) "INT of the Savannah VOR 022° and the Florence VOR 218° radials; Florence, S.C., VOR; Pinehurst, N.C., VOR; Raleigh, N.C., omnirange station, including an east alternate via the intersection of the Florence omnirange 039° and the Raleigh omnirange 185° radials;" is deleted and "Vance, S.C., VOR; Florence, S.C., VOR; Pinehurst, N.C., VOR; Raleigh, N.C., VOR, including an E alternate from the Florence VOR to the Raleigh VOR via the Fayetteville, N.C., VOR;" is substituted therefor.

2. In the text of § 600.6157 (24 F.R. 10518, 10949, 25 F.R. 1990, 2885) "INT of the Allendale VOR 074° and the Florence VOR 218° radials;" is deleted and "Vance, S.C., VOR;" is substituted therefor.

3. In the text of § 600.6018 (24 F.R. 10507, 25 F.R. 2525) "including a south alternate via the INT of the Allendale VOR 119° and the Charleston VOR 262° radials." is deleted and "including a S alternate via the INT of the Allendale VOR 117° True and the Charleston VORTAC 262° True radials." is substituted therefor.

4. In the text of § 600.6053 (24 F.R. 10511) "From the Charleston, S.C., VOR via the INT of the Charleston, S.C., VOR 300° and the Columbia VOR 153° radials;" is deleted and "From the Charleston, S.C., VORTAC via the INT of the Charleston VORTAC 300° True and the Columbia VOR 151° True radials;" is substituted therefor.

5. In the text of § 601.7001 (24 F.R. 10606), the following are added:

Fayetteville, N.C., VOR.
Vance, S.C., VOR.
Ritter INT: The INT of the Allendale, S.C., VOR 117° True and the Charleston, S.C., VORTAC 262° True radials.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3901; Filed, Apr. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-39]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On January 6, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 82) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 18 and its associated control areas from Anniston, Ala., to Augusta, Ga.

Although the Notice stated that the control areas associated with Victor 18 are so designated that they would automatically conform to the modified airway, it is necessary to amend § 601.6018 by deleting the reference to the south

alternate between Anniston and Augusta and substituting therefor reference to the north alternate between Anniston and Augusta.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, §§ 600.6018 (24 F.R. 10507) and 601.6018 (24 F.R. 10598) are amended as follows:

§ 600.6018 [Amendment]

1. In the text of § 600.6018 *VOR Federal airway No. 18 (Dallas, Tex., to Charleston, S.C.)*, delete "INT of the Anniston VOR 084° radial and the Atlanta airport ILS localizer west course; Atlanta, Ga., airport ILS localizer; INT of the Atlanta airport ILS localizer east course and the Augusta VOR 278° radial; Augusta, Ga., VOR including a south alternate from the Anniston VOR to the Augusta VOR via the INT of the Anniston VOR 104° and the Atlanta VOR 262° radials, the Atlanta, Ga., VOR, the McDonough, Ga., VORTAC, and the INT of the McDonough VORTAC 088° and the Augusta VOR 263° radials;" and substitute therefor "INT of the Anniston VOR 099° True and the Atlanta VORTAC 267° True radials, the Atlanta, Ga., VORTAC; McDonough, Ga., VOR; INT of the McDonough VOR 088° True and the Augusta VOR 263° True radials; Augusta, Ga., VOR, including a N alternate from the Anniston VOR to the Augusta VOR via the INT of the Anniston VOR 084° True and the Atlanta airport ILS localizer W course; Atlanta ILS localizer; and the INT of the Atlanta ILS localizer E course and the Augusta VOR 278°True radial;".

2. Section 601.6018 is amended to read:

§ 601.6018 VOR Federal airway No. 18 control areas (Dallas, Tex., to Charleston, S.C.).

All of Federal airway No. 18 including N and S alternates, but excluding the airspace between the main airway and its N alternate from the Anniston, Ala., VOR to the Augusta, Ga., VOR.

These amendments shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3902; Filed, Apr. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-FW-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Modification of Control Area Extension

On January 6, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 84) stating that the Federal Aviation Agency proposed to revoke, in its entirety, Red Federal airway No. 10 from Dallas, Tex., to Meridian, Miss., its associated control areas and designated reporting points.

Although not mentioned in the Notice, the Shreveport, La., control area extension (§ 601.1285) is bounded in part by Red 10. The revocation of Red 10 thus requires that the description of the control area extension be changed. Such action is being taken herein by describing the boundaries of the Shreveport control area extension via VOR Federal airways. No additional airspace is encompassed by this redescription.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Part 600 (24 F.R. 10487), and Part 601 (24 F.R. 10530); and including the redescription of the Shreveport Control area extension, § 601.1285 (24 F.R. 10562), are amended as follows:

1. Section 600.210 *Red Federal airway No. 10 (Dallas, Tex., to Meridian, Miss.)* is revoked.

2. Section 601.210 *Red Federal airway No. 10 control areas (Dallas, Tex., to Meridian, Miss.)* is revoked.

3. Section 601.4210 *Red Federal airway No. 10 (Dallas, Tex., to Meridian, Miss.)* is revoked.

4. In the text of § 601.1285 *Control area extension (Shreveport, La.)*, delete "on the northwest by VOR Federal airway No. 16 and on the south by Red Federal airway No. 10." and substitute therefor "on the NW by VOR Federal airway No. 289 and on the S by VOR Federal airway No. 114N."

These amendments shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3905; Filed, Apr. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-310]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

On January 13, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 250) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 210 from Imperial, Pa., to Harrisburg, Pa.

The Notice stated that the Carrolltown, Pa., VOR would be installed approximately April 15, 1960. However, the commissioning date of this facility has been rescheduled to approximately July 1, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, §§ 600.6210 (24 F.R. 10522, 25 F.R. 172, 430) and 601.6210 (24 F.R. 10603) are amended as follows:

1. Section 600.6210 *VOR Federal airway No. 210 (Los Angeles, Calif., to Imperial, Pa.)*.

(a) In the caption delete "*(Los Angeles, Calif., to Imperial, Pa.).*" and substitute therefor "*(Los Angeles, Calif., to Harrisburg, Pa.).*"

(b) In the text delete "to the Imperial, Pa., VOR." and substitute therefor "Imperial, Pa., VORTAC; INT of the Imperial VORTAC 074° True and the Ellwood City, Pa., VOR 122° True radials; Carrolltown, Pa., VOR; INT of the Carrolltown VOR 112° True and the Harrisburg VOR 273° True radials; to the Harrisburg, Pa., VOR."

2. In the caption of § 601.6210 *VOR Federal airway No. 210 control areas (Los Angeles, Calif., to Imperial, Pa.)* delete "*(Los Angeles, Calif., to Imperial, Pa.)*" and substitute therefor "*(Los Angeles, Calif., to Harrisburg, Pa.)*".

These amendments shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3906; Filed, Apr. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-414]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas, and Designation of Control Zone

On December 30, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 10986) stating that the Federal Aviation Agency proposed the following actions: designation of a VOR Federal airway from Paterson, N.J., to Albany, N.Y., via Clermont, N.Y.; revocation of VOR Federal airway No. 91 west alternate and associated control areas from Poughkeepsie, N.Y., to Albany, N.Y.; modification of VOR Federal airway No. 91 and associated control areas from Poughkeepsie to Albany; and designation of a control zone within a five mile radius of the Dutchess County Airport, Clermont. The location of this airport was incorrectly shown in the Notice as Clermont, whereas the Dutchess County Airport is actually located at Poughkeepsie.

The Notice stated that the Clermont VOR was to be installed approximately April 15, 1960. Subsequent to publication of the Notice, establishment of this facility was rescheduled and it will now be commissioned approximately January 15, 1961. In the preamble, the Notice stated that amendments to §§ 600.6019 and 601.6019 were to be considered. This was a typographical error, the sections affected being 600.6091 and 601.6091, and they shall be so shown in the amendments contained herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) and §§ 600.6091 (24 F.R. 10514, 25 F.R. 3156), 601.6091 (24 F.R. 10600, 25 F.R. 3156) and 601.1984 (24 F.R. 10570) are amended as follows:

1. Section 600.6489 is added to read:

§ 600.6489 VOR Federal airway No. 489 (Paterson, N.J., to Albany, N.Y.).

From the INT of the Wilkes Barre-Scranton, Pa., VOR 117° True and the Wilton, Conn., VOR 240° True radials via the Clermont, N.Y., VOR; to the Albany, N.Y., VORTAC. The portion of this airway which lies within the geographic limits of and between the designated altitudes of, the West Point, N.Y., Restricted Area (R-93) is excluded during the restricted area's time of designation.

§ 600.6091 [Amendment]

2. In the text of § 600.6091 *VOR Federal airway No. 91 (New York, N.Y., to Montreal, Quebec)*, delete "Poughkeepsie, N.Y., VOR; Albany, N.Y., VOR, including a west alternate;" and substitute therefor "Poughkeepsie, N.Y., VOR; INT of the Poughkeepsie VOR 342° True and the Albany VORTAC 181° True radials; Albany, N.Y., VORTAC;".

3. Section 601.6489 is added to read:

§ 601.6489 VOR Federal airway No. 489 control areas (Paterson, N.J., to Albany, N.Y.).

All of VOR Federal airway No. 489.

4. Section 601.6091 is amended to read:

§ 601.6091 VOR Federal airway No. 91 control areas (New York, N.Y., to Montreal, Quebec).

All of VOR Federal airway No. 91 including an E alternate.

§ 601.1984 [Amendment]

5. Section 601.1984 *Five-mile radius zones* is amended by adding:

Poughkeepsie, N.Y.: Dutchess County Airport. (Lat. 41°37'40" N., Long. 73°53'00" W.)

These amendments shall become effective 0001 e.s.t. February 9, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3907; Filed, Apr. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-19]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Coded Jet Route

On March 1, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 1805) stating that the Federal Aviation Agency proposed to revoke L/MF jet route No. 39 in its entirety.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Part 602 (14 CFR, 1958 Supp., Part 602) is amended as follows:

Section 602.139 *L/MF jet route No. 39 (Crestview, Fla., to Houghton, Mich.)*, is revoked.

This amendment shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3903; Filed, Apr. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-168]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 7, 1960, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (25 F.R. 124) stating that the Federal Aviation Agency was proposing to revoke two segments of VOR/VORTAC jet route No. 49, from Spartanburg, S.C., to Greensboro, N.C., and from Morgantown, W. Va., to Pittsburgh, Pa. In addition, it was proposed to redesignate the segment from Alma, Ga., to Spartanburg direct from the Alma VOR to the Spartanburg VOR, eliminating the present alignment via the Augusta, Ga., VOR.

The Air Transport Association recommended that J-49-V be revoked from Alma to Spartanburg because this route is adequately served by the existing VOR/VORTAC jet route No. 85. The Federal Aviation Agency is reviewing the requirement for Jet Route 49-V from Spartanburg to Miami, Fla., and will consider this recommendation in the overall evaluation of the route.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, § 602.549 (24 F.R. 3875) is amended to read:

§ 602.549 VOR/VORTAC jet route No. 49 (Miami, Fla., to Spartanburg, S.C., and Pittsburgh, Pa., to Presque Isle, Maine).

From the Miami, Fla., VORTAC via the INT of the Miami VORTAC 316° T and the Gainesville, Fla., VOR 167° T radials; Gainesville VOR; INT of the

Gainesville VOR 353° T and the Alma, Ga., VOR 179° T radials; Alma VOR; to the Spartanburg, S.C., VOR. From the Pittsburgh, Pa., VOR., via the Philipsburg, Pa., VORTAC; Albany, N.Y., VORTAC; Bangor, Maine, VOR; to the Presque Isle, Maine, VOR.

This amendment shall become effective 0001 e.s.t. June 30, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3904; Filed, Apr. 29, 1960; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 210—BUILDING TECHNOLOGY

Thermal Conductivity

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from April 1, 1960.

1. Schedule 210.601 *Thermal conductivity* is amended to revise the entire schedule to read as follows:

Item	Description	Fee
210.601a	Determination for calibration purposes of the thermal conductivity of a selected pair of specimens, by means of guarded hot-plate apparatus (conforming to ASTM C177-45) for mean temperatures between 20° and 130° F., per determination at one mean temperature.	$105.00
210.601b	Determination of thermal conductivity of a metal specimen for a range of mean temperatures from −150° to 750° C., per specimen. Required specimen is a cylindrical bar, 46 cm long and approximately 2.54 cm uniform diameter.	1,250.00
210.601c	Determination of thermal conductivity of a metal specimen for a range of mean temperatures from −150° to 200° C., per specimen. Required specimen is a cylindrical bar, 46 cm long and approximately 2.54 cm uniform diameter.	870.00
210.601d	Determination of thermal conductivity of a metal specimen for a range of mean temperatures from 100° to 750° C., per specimen. Required specimen is a cylindrical bar, 46 cm long and approximately 2.54 cm uniform diameter.	940.00
210.601z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 60-3927; Filed, Apr. 29, 1960; 8:49 a.m.]

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Descriptive List

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from April 1, 1960.

1. In § 230.11(d) *Nonferrous alloys,* is amended by the addition of sample number 360 (Zircaloy No. 2) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
360	Zircaloy No. 2	100	$19.00

2. In § 230.11(p) *Standard rubbers and rubber compounding materials,* is amended by the addition of sample number 388 (Butyl Rubber) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
388	Butyl Rubber	25,000	$45.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 60-3926; Filed, Apr. 29, 1960; 8.49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55113]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Ghana

In accordance with the finding and declaration of this date by the Secretary of the Treasury (T.D. 55112; 25 F.R. 3767) exempting Ghana from the payment of discriminating duties of tonnage and imposts, § 4.22 is further amended by the insertion of "Ghana" immediately after "German Federal Republic" and preceding "Great Britain" in the list contained in that section of nations that are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States, and are exempted from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 121, 128, 141)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 22, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3884; Filed, Apr. 29, 1960; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

PART 240—PENSIONS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 237.301, 237.303, 237.304, 237.306(a)(3), 237.401(2), 237.405, 237.411 of Part 237 (20 CFR 237.301, 237.303, 237.304, 237.306(a)(3), 237.401(2), 237.405, 237.411) of the regulations under such act are amended by Board Order 60-59, dated April 11, 1960, and §§ 239.1(a), 239.5 (a)(2), (b)(2) of Part 239 (20 CFR 239.1(a), 239.5 (a)(2), (b)(2)) and §§ 240.1, 240.3, 240.7 of Part 240 (20 CFR 240.1, 240.3, 240.7) of the regulations under such act are amended by Board Order 60-58, dated April 11, 1960, to read as follows:

§ 237.301 Statutory provisions.

For the purposes of this section * * *

(1) The qualifications for "widow," "widower," "child," and "parent" shall be except for the purposes of subsection (f), those set forth in section 216 (c), (e), and (g), and section 202(h)(3) of the Social Security Act, respectively; and in addition—

(i) A "widow" or "widower" shall have been living with the employee at the time of the employee's death; a widower shall have received at least one-half of his support from his wife employee at the time of her death or he shall have received at least one-half of his support from his wife employee at the time her retirement annuity or pension began.

(ii) A "child" shall have been dependent upon its parent employee at the time of his death; shall not be adopted after such death by other than a stepparent, grandparent, aunt, or uncle; shall be unmarried; and shall be less than eighteen years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided,* That such disability began before the child attains age eighteen; and

(iii) A "parent" shall have received, at the time of the death of the employee to whom the relationship of parent is claimed, at least one-half of his support from such employee.

A "widow" or "widower" shall be deemed to have been living with the employee if the conditions set forth in section 216(h) (2) or (3), whichever is applicable, of the Social Security Act, as in effect prior to 1957, are fulfilled. A "child" shall be deemed to have been dependent upon a parent if the conditions set forth in section 202(d) (3), (4), or (5) of the Social Security Act are fulfilled (a partially insured mother being deemed currently insured). In determining for purposes of this section and subsection (f) of section 2 whether an applicant is the wife, husband, widow, widower, child, or parent of an employee as claimed, the rules set forth in section 216(h)(1) of the Social Security Act, as in effect prior to 1957, shall be applied. Such satisfactory proof shall be made from time to time, as prescribed by the Board, of the disability provided in clause (ii) of this paragraph and of the continuance, in accordance with regulations prescribed by the Board, of such disability. If the individual fails to comply with the requirements prescribed by the Board as to the proof of the continuance of the disability his right to an annuity shall, except for good cause shown to the Board, cease. (Section 5(l)(1) of the act.)

The term "widow" * * * means the surviving wife of an individual, but only if (1) she is the mother of his son or daughter, (2) she legally adopted his son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (3) he legally adopted her son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (4) she was married to him at the time both of them legally adopted a child under the age of eighteen, (5) she was married to him for a period of not less than one year immediately prior to the day on which he died, or (6) in the month prior to the month of her marriage to him (A) she was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (e) or (h) of section 202, or (B) she had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section. (Section 216(c) of the Social Security Act)

The term "child" means (1) the child or legally adopted child of an individual, and (2) in the case of a living individual, a stepchild who has been such stepchild for not less than three years immediately preceding the day on which application for child's benefits is filed, and (3) in the case of a deceased individual, a stepchild who has been such stepchild for not less than one year immediately preceding the day on which such individual died. For purposes of clause (1), a person shall be deemed, as of the date of death of an individual, to be the legally adopted child of such individual if such person was at the time of such individual's death living in such individual's household and was legally adopted by such individual's surviving spouse after such individual's death but before the end of two years after the day on which such individual died or the date of enactment of this Act; except that this sentence shall not apply if at the time of such individual's death such person was receiving regular contributions toward his support from someone other than such individual or his spouse, or from any public or private welfare organization which furnishes services or assistance for children. (Section 216(e) of the Social Security Act)

The term "widower" * * * means the surviving husband of an individual, but only if (1) he is the father of her son or daughter, (2) he legally adopted her son or daughter while he was married to her and while such son or daughter was under the age of eighteen, (3) she legally adopted his son or daughter while he was married to her and while such son or daughter was under the age of eighteen, (4) he was married to her at the time both of them legally adopted a child under the age of eighteen, (5) he was married to her for a period of not less than one year immediately prior to the day on which she died, or (6) in the month before the month of his marriage to her (A) he was entitled to, or on application therefor and attainment of retirement age in such prior month would have been entitled to, benefits under subsection (f) or (h) of section 202, or (B) he had attained age eighteen and was entitled to, or on application therefor would have been entitled to, benefits under subsection (d) of such section. (Section 216(g) of the Social Security Act)

* * * * *

In determining whether an applicant is the wife, husband, widow, widower, child, or parent of a fully insured or currently insured individual for purposes of this title, the Secretary shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled at the time such applicant files application, or, if such insured individual is dead, by the courts of the State in which he was domiciled at the time of his death, or if such insured individual is or was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a wife, husband, widow, widower, child, or parent shall be deemed such. (Section 216(h)(1) of the Social Security Act, as in effect prior to 1957)

* * * a widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support. (Section 216(h)(2) of the Social Security Act, as in effect prior to 1957)

* * * a widower shall be deemed to have been living with his wife at the time of her death if they were both members of the same household on the date of her death, or he was receiving regular contributions from her toward his support on such date, or she had been ordered by any court to contribute to his support. (Section 216(h)(3) of the Social Security Act, as in effect prior to 1957)

§ 237.303 Definition of "widow".

An individual is the "widow" of an employee, as that term is used in section 5 of the act (except as stated in section 237.504(b) under section 5(f) of the act), only if:

* * * * *

(b) One of the following requirements is met:

(1) She is the mother of the employee's son or daughter (an individual is the mother of a deceased employee's son or daughter, within the meaning of this subparagraph, if a son or daughter was born to her and such employee, even though such son or daughter died before an application was filed which involved the determination of whether such individual is a "widow," and even though such son or daughter was born after the death of such employee); or

(2) She was married to the employee (became his wife, or acquired inheritable status as such, under applicable State law) for a period of not less than one year immediately prior to the day on which he died; or

(3) She legally adopted the employee's son or daughter while she was married to him and while such son or daughter was under age 18; or

(4) The employee legally adopted her son or daughter while she was married to him and while such son or daughter was under age 18; or

(5) She was married to the employee at the time both of them legally adopted a child under age 18; or

(6) In the month before the month of her marriage to the employee, she was entitled, or on application would have been entitled, to a widow's or a parent's (upon reaching the proper age) or a disabled child's insurance benefit under the Social Security Act; and

§ 237.304 Definition of "widower."

An individual is the "widower" of an employee, as that term is used in section 5 of the act (except as stated in section 237.504(b) under section 5(f) of the act), only if:

* * * * *

(b) One of the following requirements is met:

(1) He is the natural father of the employee's son or daughter (an individual is the father of a deceased employee's son or daughter, within the meaning of this subparagraph, if a son or daughter was born to him and such employee, even though such son or daughter died before an application was filed which involved the determination of whether such individual is a "widower"); or

(2) He was married to the employee (became her husband, or acquired inheritable status as such, under applicable State law) for a period of not less than one year immediately prior to the day on which she died; or

(3) He legally adopted the employee's son or daughter while he was married to her and while such son or daughter was under age 18; or

(4) The employee legally adopted his son or daughter while he was married to her and while such son or daughter was under age 18; or

(5) He was married to the employee at the time both of them legally adopted a child under age 18; or

(6) In the month before the month of his marriage to the employee, he was entitled, or on application would have been entitled, to a widower's or a parent's (upon reaching the proper age) or a disabled child's insurance benefit under the the Social Security Act; and

§ 237.306 Definition of "child".

* * * * *

(a) *Classes.* * * *

(3) *Adopted children.* An individual who was legally adopted by a deceased employee, in accordance with applicable State law, is a "child" of such employee. An individual is deemed to be an employee's legally adopted "child" if he was living in the employee's household at the time of the employee's death and was

legally adopted by the employee's surviving spouse after the employee died but prior to the end of two years after the date of the employee's death or after August 28, 1958, whichever date is later. An individual is not so deemed, however, if at the time of the employee's death he was receiving regular contributions toward his support from someone other than the employee or the employee's spouse, or from any public or private welfare organization which furnishes services or assistance for children.

§ 237.401 Statutory provisions.

* * * * *

Correlation of payments. (1) * * *

(2) If an individual is entitled to more than one annuity for a month under this section, such individual shall be entitled only to that one of such annuities for a month which is equal to or exceeds any other such annuity. (Section 5(g) of the act)

* * * * *

§ 237.405 [Repealed]

Section 237.405 is repealed effective September 1, 1955.

§ 237.411 Beginning and ending of insurance annuities.

(a) *Beginning.* An insurance annuity under this subpart shall begin with the first month after December 1946, or in the case of a widower's insurance annuity with the first month after October 1951, with respect to which all of the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, are satisfied, if the individual shall have filed an application for such annuity, as prescribed in Subpart H of this part:

(1) In such month; or

(2) In the three months immediately preceding such month; or

(3) In the 12 months immediately succeeding such month.

(b) *Ending.* No insurance annuity under this subpart shall be payable for the month in which the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, cease to be satisfied.

§ 239.1 Proof of age.

(a) Except when the Board, on the basis of information in its records, is satisfied that the date of birth stated in the application is substantially correct, an applicant for an employee annuity shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to payment of benefits. Such evidence shall also be required by the Board from an applicant for a spouse's annuity or from an applicant for an insurance annuity or from any other individual if such applicant's or such other individual's age is a condition of entitlement or is otherwise relevant to payment of benefits.

§ 239.5 Proof of relationship.

(a) * * *

(2) If the relationship is by legal adoption, a certified copy of the decree or order of adoption shall be submitted. If such a copy cannot be obtained, or can be obtained only by order of a court, the reason should be stated and the applicant may submit proof of probative value establishing: That a final decree or order of adoption was granted by a court of competent jurisdiction; when the decree was granted; and who were named in the decree as the adopting parent or parents and the adopted child. If under the law of the place of adoption no decree or order is required to effect the adoption, there shall be submitted either a certified copy of the public record of adoption required by such law or, if no such record is required, the original document, if available, by which the adoption was effected. If the original document is not available, the reason should be stated and the applicant may submit an authentic copy thereof.

* * * * *

(b) * * *

(2) If the relationship is by legal adoption, proof of adoption in accordance with paragraph (a)(2) of this section shall be submitted.

§ 240.1 Statutory provisions.

Nothing in this Act or the Railroad Retirement Act of 1935 shall be taken as restricting or discouraging payment by employers to retired employees of pensions or gratuities in addition to the annuities or pensions paid to such employees under such Acts, nor shall such Acts be taken as terminating any trust heretofore created for the payment of such pensions or gratuities. (Section 7 of the act)

§ 240.3 Time at which pension is payable.

Any individual establishing the qualifications in § 240.2 shall be paid a monthly pension on the first day of July 1937 and on the first day of each calendar month thereafter during his lifetime. A pension payment does not accrue or become payable until the first day of a month and only if the pensioner be alive on that date.

§ 240.7 Pension by Board not to affect additional payments by employer.

In any case wherein the pensioner eligible under section 6 of the act was receiving a pension or gratuity from an employer, the payment by the Board of a pension under section 6 of the act shall have no effect upon the payment by the employer of such additional gratuities as it sees fit, nor upon any trust fund created for the payment of pensions or gratuities.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: April 25, 1960.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-3913; Filed, Apr. 29, 1960; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 614—CORSETS, BRASSIERES AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 529 (25 F.R. 412), as amended by Administrative Order No. 530 (25 F.R. 656), appointed and convened Industry Committee No. 46-A and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the corsets, brassieres and allied garments industry in Puerto Rico as defined in Administrative Order No. 529, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR, Part 614, effective May 16, 1960, to read as follows:

Sec.
614.1 Definition.
614.2 Wage rate.
614.3 Notices.

AUTHORITY: §§ 614.1 to 614.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 614.1 Definition.

The corsets, brassieres, and allied garments industry in Puerto Rico, to which this part shall apply, is defined as the manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

§ 614.2 Wage rate.

Wages at a rate of not less than 86 cents an hour shall be paid in the corsets, brassieres, and allied garments industry in Puerto Rico.

§ 614.3 Notices.

Every employer subject to the provisions of § 614.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 614.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 26th day of April 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-3935; Filed, Apr. 29, 1960; 8:50 a.m.]

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 529 (25 F.R. 412) appointed and convened Industry Committee No. 46–B and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the men's and boys' clothing and related products industry in Puerto Rico as defined in said Administrative Order who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR, Part 615, effective May 16, 1960, to read as follows:

Sec.
615.1 Definition.
615.2 Wage rates.
615.3 Notices.

AUTHORITY: §§ 615.1 to 615.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 615.1 Definition.

The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (Part 610 of this chapter) or in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 609 of this chapter).

§ 615.2 Wage rates.

(a) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the work clothing and separate trousers classification of the men's and boys' clothing and related products industry in Puerto Rico, and this classification shall be defined as the manufacture of men's, youths', and boys' work shirts, pants, and other work clothing and washable service apparel, and separate trousers and slacks.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the men's and boys' clothing and related products industry in Puerto Rico, and this classification shall be defined as the manufacture of all products in the men's and boys' clothing and related products industry not included in paragraph (a) of this section.

§ 615.30 Notices.

Every employer subject to the provisions of § 615.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 615.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 27th day of April 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-3936; Filed, Apr. 29, 1960; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2) Amdt. 6 of April 27, 1960]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

Reg. 2, Amdt. 6—Mandatory Use of Rating Authority

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been rendered impracticable because this amendment applies to all trades and industries.

This amendment affects BDSA (formerly NPA) Reg. 2, as amended, by amending sections 5 and 9 of said regulation, as follows:

The heretofore optional use of ratings to obtain material to fill rated orders and to replace inventory used in filling rated orders is eliminated in section 5 and replaced by a provision making mandatory the use of ratings for those purposes by a person who has accepted a rated order, subject to an exception in the case of any individual purchase order of $500 or less. Estimates are authorized in placing rated orders for material which will be physically incorporated in the material to be delivered or for inventory replacement if it is impracticable to determine exact quantities.

Paragraph (a) of section 9 is amended to change the time within which a rated order must be placed for replacement of inventory. In its amended form this period coincides with the period provided for inventory replacements under DMS Reg. 1.

1. Section 5 of BDSA Reg. 2 (formerly NPA Reg. 2), as amended, dated March 23, 1953, is hereby amended to read as follows:

Sec. 5. Mandatory use of ratings to obtain material.

(a) When a person has accepted a rated order for the delivery of material, he must extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If it is impracticable for him to determine the exact quantity of material needed for incorporation in the material he will deliver to fill such rated order, he must place a rated order for an amount of material equal to his best estimate of the quantity needed for such purposes. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing. However, he shall not extend such a rating to get material for plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair or operating supplies (MRO). If inability to obtain capital equipment would result in failure by a person to fill a rated order which he has accepted, he must make application to the appropriate Allotting Agency listed in Schedule II to DMS Reg. 1. If inability to obtain MRO would result in failure by a person to fill a rated order which he has accepted, he must obtain such MRO in accordance with the procedure for that purpose set forth in DMS Reg. 1, Dir. 1.

(b) If a person replaces in inventory material which he has delivered or has incorporated into material which he has delivered on a rated order he must extend the rating in replacing such inventory. If it is impracticable for such a person to determine the exact quantity of material taken from inventory to fill rated orders he must place a rated order for an amount of material equal to his best estimate of such quantity. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(c) The provisions of this section prescribing mandatory use of ratings need not be followed in the case of any individual purchase order in the amount of $500 or less.

2. Paragraph (a) of section 9 is amended to read as follows:

(a) No person shall place a rated order to replace in inventory material taken from inventory to fill rated orders except within the calendar quarter in which such material was taken from inventory

for such purpose, or in the immediately succeeding calendar quarter.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 85-471, 72 Stat. 241; 50 U.S.C. App. 2154)

This amendment shall take effect April 27, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. HERBERT HUGHES,
Acting Administrator.

[F.R. Doc. 60-3930; Filed, Apr. 29, 1960; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.4—Opening of Bids and Award of Contracts

EQUAL LOW BIDS; PREFERENCES

1. The table of contents is amended to change the present § 1-2.407-6 to read as follows:

Sec.
1-2.407-6 Equal low bids; preferences.

2. New section 1-2.407-6 is added as follows:

§ 1-2.407-6 Equal low bids; preferences.

(a) Except as provided in paragraph (b) of this section, award shall be made in the following order of preference when two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and any other factors properly to be considered):

(1) A small business concern (as defined in section 1-1.704(a)) which will perform the contract in a labor surplus area (see paragraphs (c) and (g) of this section).

(2) A concern which is not a small business concern, but which will perform the contract in a labor surplus area.

(3) A small business concern which will not perform the contract in a labor surplus area.

(4) Any other concern.

(b) When equal bids are received in response to an invitation for bids which specifies the geographical location at which the required work is to be performed (e.g., construction, alteration, repair, or cleaning of buildings), award shall be made in the following order of preference:

(1) A small business concern.

(2) Any other concern.

(c) For the purpose of applying this section 1-2.407-6 to bids for furnishing personal property to the Government, a bidder shall be deemed to qualify as a concern "which will perform the contract in a labor surplus area" if he will deliver the required end items to the Government from a plant, warehouse, or other establishment in a labor surplus area at which the end items are (1) produced or (2) available from stocks on hand. Where bids do not contain sufficient information for the contracting officer to determine whether labor surplus area preference applies, bidders shall be given a reasonable time to furnish the necessary information. The time allowed should be consistent with the need for the Government to make award.

(d) In the event the highest degree of preference involved in a procurement of personal property is that set forth in paragraph (a) (1) or (2) of this section and such degree of preference applies to two or more equal bidders, award shall be made to the bidder who will deliver from a plant or other establishment at which the end items are produced.

(e) If, after applying paragraph (a) or (b) of this section and, if applicable, paragraph (d) of this section, the highest degree of preference involved in the procurement applies to two or more equal bidders, award (or awards) shall be made by lot limited to such equal bidders.

(f) In each case where an award is made pursuant to this section 1-2.407-6, a record shall be incorporated in the contract files briefly reciting the circumstances under which the award was made.

(g) A "labor surplus area" means a geographical area which at the time of award is (1) classified as such by the Department of Labor and set forth in a list entitled "Areas of Substantial Labor Surplus" issued by that Department in conjunction with its publication "Area Labor Market Trends"; or (2) individually certified in accordance with regulations of the Department of Labor as an area of substantial labor surplus at the request of any firm located in that area.

Effective date. These regulations are effective August 1, 1960, but may be observed earlier. (GSA General Regulation No. 18, dated January 27, 1958, and GSA Reg. 1-II-210.03 are rescinded as of August 1, 1960.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: April 25, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60-3917; Filed, Apr. 29, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (f) of § 203.225 is hereby amended by changing the reference at the end of subparagraph (1) and by adding subparagraph (3-a) to govern the operation of the Union County Bridge at South First Street across the Elizabeth River at the City of Elizabeth, New Jersey, as follows:

§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Overpeck Creek, New York, Susquehanna and Western Railroad Company bridge and West Shore Railroad Company (New York Central System) bridge at Ridgefield Park. * * *, in accordance with the regulations contained in § 203.200.

* * * * *

(3-a) Elizabeth River; Union County Bridge at South First Street in the City of Elizabeth. At least three hours' advance notice required.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking paragraph (h)(16) governing the operation of the State Road Department of Florida bridge across St. Johns River about one mile south of Lake Harney, Florida, the bridge having been removed from the waterway, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(16) [Revoked]

3. Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.25(b) is hereby amended to prescribe the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware Coast during the calendar year 1960, as follows:

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing areas, Second Army.

* * * * *

(b) *The regulations.* * * *

(2) Firing will take place on certain days other than Saturdays, Sundays and national holidays, as listed in public notice to be issued each year by the District Engineer, U.S. Army Engineer District, Philadelphia, Pennsylvania.

NOTE: Firing is scheduled to take place on the following days in 1960 (all dates inclusive):

July 11 to 15, 25 to 29.
August 8 to 12, 15 to 19, 22 to 26.

[Regs., April 18, 1960, 285/91—ENGCW-O] (Sec. 5, 28 Stat. 362, 40 Stat. 892; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-3897; Filed Apr. 29, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 60-29]

PART 2—VESSEL INSPECTIONS

Retention of Records by Public

In the administration of vessel inspection laws, rules, and regulations, various Coast Guard regulations state that certain records are required with respect to specified subjects and/or the Coast Guard issue specific certificates or documents without indicating how long such records need to be retained. To inform the public it may dispose of records where not officially required, the Bureau of the Budget requested all Federal agencies to publish their policies with respect to the periods of time required records should be retained by the public. The purpose for the new regulations designated 46 CFR 2.95-1 to 2.95-10, inclusive, is to state a general policy with respect to retention of vessel inspection records by the public when specific regulations do not provide otherwise. This policy does not apply to records furnished to the public only for informational purposes, and in such cases its retention is within the discretion of the recipients.

Because the regulations in this document set forth a general statement of policy, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659); to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

Subpart 2.95—Retention of Records by the Public

Sec.

AUTHORITY: §§ 2.95-1 to 2.95-10 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 4, 67 Stat. 462, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 43 U.S.C. 1333(e), 46 U.S.C. 390b, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.

§ 2.95-1 Certificates or documents issued by Coast Guard.

(a) Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time, as follows:

(1) If the certificate or document specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; or,

(2) If the certificate or document does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or,

(3) If the certificate or document is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered.

(b) Nothing in this section shall be construed as preventing the Coast Guard from canceling, suspending, or withdrawing any certificate or document issued at any time.

§ 2.95-5 Certificates or documents issued by others.

(a) Certificates or documents issued by other public agencies or private organizations, which are accepted as prima facie evidence of compliance with requirements administered by the Coast Guard, shall be retained for the applicable period of time as follows:

(1) If the certificate or document specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; or,

(2) If the certificate or document does not specify a definite period of time for which it is valid, it shall be retained for the period of time such certificate or document is required for operation of the vessel; or,

(3) If the certificate or document is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered.

§ 2.95-10 Equipment or material required to be approved.

(a) The manufacturer of any equipment or material, which must also be approved by or found satisfactory for use by the Commandant, shall keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment or material satisfactory, during the period of time the approval or listing is valid. (Most of the specifications containing detailed descriptions of records required to be retained by the public are in Parts 160 to 164, inclusive (Subchapter Q—Specifications) of this chapter.)

Dated: April 25, 1960.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-3937; Filed, Apr. 29, 1960; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte MC-5]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Form for Broker's Surety Bond

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 20th day of April A.D. 1960.

The matter of revision of Form BMC 84, Broker's Surety Bond under section 211(c) of the Interstate Commerce Act required to be filed by brokers subject to part II of the Act, being under consideration; and

It appearing that Form BMC 84 should be revised to enable its completion in a simplified manner.

It is ordered, That Form BMC 84 (49 CFR 7.84), Broker's Surety Bond under section 211(c) of the Interstate Commerce Act, which was adopted and prescribed by order dated June 5, 1951, effective October 31, 1951 (16 F.R. 6754) be, and it is hereby, revised in accordance with the specimen of such form which is attached hereto and made a part hereof,[1] and it is hereby adopted and prescribed for use by brokers subject to part II of the Act.

It is further ordered, That the Form BMC 84 (49 CFR 7.84) prescribed and adopted by order dated June 5, 1951, effective October 31, 1951 (16 F.R. 6754) be, and it is hereby, canceled.

It is further ordered, That this order shall be effective June 30, 1960 and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of Federal Register.

(Secs. 204 and 211, 49 Stat. 546, and 554 as amended; 49 U.S.C. 304, 311)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-3922; Filed, Apr. 29, 1960; 8:48 a.m.]

[1] Form filed as part of the original document.

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 357]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

Aircraft Wheels and Brakes

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order establishing minimum performance standards for wheels and brakes used on civil aircraft of the United States. The proposal incorporates recent industry standards which will apply to the manufacture of new models of wheels and brakes.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 15, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding § 514.72 as follows:

§ 514.72 Aircraft wheels and brakes—TSO-C26a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft wheels and brakes which are to be used on United States civil aircraft of the following categories:

Wheels—Transport and non-transport category airplanes.

Wheels—Transport and non-transport category rotocraft.

Brakes—Transport category airplanes.

New models of wheels and brakes manufactured for installation on the above aircraft on or after the effective date of this section shall meet the standards of Aeronautical Standard AS-227-C revised 2/1/59,[1] with the exceptions in subparagraph (2) of this paragraph.

[1] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, N.Y.

(2) *Exceptions.* (i) Means shall be provided to prevent wheel and tire explosions which could result from elevated brake temperatures.

(ii) Ref. paragraph 5.4.7.1 of AS-227-C Braking Capacity Calculations. The kinetic energy calculations for the simulated rejected takeoff shall be in accordance with Method II of Table II. If analysis shows the average deceleration for the rejected takeoff to be 6 ft./sec.[2] or less, then Method I may be employed. If analysis shows the average deceleration for the rejected takeoff to be greater than 6 ft./sec.[2], then a rational torque-speed schedule shall be followed wherein the deceleration determined by the analysis is simulated.

NOTE: The decelerating effects of propeller reverse pitch, drag-parachutes and engine thrust reversers shall not be considered in determining brake kinetic energy ratings.

(iii) Taxi and Parking Test: In lieu of paragraph 5.5.1 of AS-227-C, at least one maximum weight landing test followed by a taxi drag and parking test shall be conducted on the dynamometer. The test shall simulate the most severe breaking conditions which are to be expected during normal operations of the airplane. The taxi speed shall be obtained from the airplane manufacturer.

(iv) Ref. Table II of AS-227-C: Change 65 to 100 normal energy dynamometer stops in Method I and II.

(v) Ref. Table II of AS-227-C: Change Note 2 to read as follows: "One change of brake lining is permissible in meeting the 101 dynamometer dynamic torque tests. The brake assembly, excluding the lining material, shall withstand the 100 normal energy stops without failure or impairment of operation."

(vi) Ref. Table II of AS-227-C: Static pressure test shall be 2.5 times the maximum operating pressure.

(vii) Ref. Notes 3, 6, and 8 of Table II of AS-227-C: The most critical speeds used in the analysis shall include consideration for high ambient temperatures and airport elevations.

(viii) ARP 586 "Wheel Castings" dated 3/1/60.[1]

(*a*) Add the following sentence at the end of paragraph 2. "Acceptance of the provisions contained herein is predicated on the use of a casting factor of not less than 1.33 on ultimate load."

(*b*) Add the words "in accordance with paragraph 4.1 or 4.2" to the end of paragraph 4.3.

(*c*) Paragraph 5.2.2. Replace the words "When at least five consecutive acceptable quality castings have been produced" by the following: "When quality control history is established, ------."

(*d*) Revise the end of paragraph 9.1 to read as follows "__ in lieu of the procedures outlined above when authorized by the FAA."

(b) *Marking.* In lieu of the marking requirements of § 514.3, the aircraft wheels and brakes shall be legibly and permanently marked with the following information:

(1) Name of the manufacturer responsible for compliance.

(2) Serial number and drawing number.

(3) Applicable technical standard order (TSO) number.

(4) Size (this marking applies to wheels only). All stamped, etched or embossed markings shall be located in non-critical areas.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete data regarding all his inspection work and tests required to determine compliance with the standards specified herein. (See paragraph (e) of this section).

(2) Two copies of the following data shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance:

(i) Weight of brake assembly.

(ii) Maximum rejected takeoff kinetic energy in foot-pounds.

(iii) Maximum normal kinetic energy in foot-pounds.

(iv) Maximum operating brake pressure.

(v) Applicable speed specified in Note 1 or Note 5 of Table II of AS-227-C.

(vi) Type of hydraulic fluid used.

(vii) Weight of wheel assembly.

(viii) Maximum static load rating in pounds.

(ix) Maximum limit load rating in pounds.

(d) *Previously approved equipment.* Wheels and brakes approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.[2]

(e) *Quality control.* Each wheel and brake shall be produced under a quality control system, established by the manufacturer, which will assure that each wheel and brake is in conformity with the requirements of this standard and is in an airworthy condition. This system shall be described in the data required under paragraph (c)(1)(i) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

Issued in Washington, D.C. on April 26, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60-3909; Filed, Apr. 29, 1960; 8:46 a.m.]

[2] When wheels and brakes are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6, or 7 of the Civil Air Regulations as applicable.

Notices

CIVIL AERONAUTICS BOARD

[Docket 11329; Order No. E-15155]

"BOOK-TICKET FARES"; AVALON AIR TRANSPORT, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of April 1960.

Effective April 28, 1960, Avalon Air Transport, Inc., proposes one-way "book-ticket fares" between Los Angeles and Santa Catalina.[1] The proposed tariff requires the passenger to purchase a book of ten one-way ticket coupons which are valid for passage for a period of 180 days, and may be used by such passenger, or his or her spouse or children. However, only one ticket coupon per book may be used for passage on any one flight. The proposed fares range from 85 percent to 89 percent of the regular one-way first-class fares, depending upon the airport through which the two points are served.

Similar fares of Allegheny Airlines, Inc., and Trans World Airlines, Inc., are now under investigation.[2] Avalon's proposed fares may be unjustly discriminatory as between regular first-class and book-ticketed passengers, and should be investigated. The probability that the fares or provisions are unlawful, however, does not appear so clear as to warrant suspension pending the investigation.

The Board finds that its action herein is necessary and appropriate to carry out the purposes and requirements of the Federal Aviation Act of 1958, particularly sections 204, 403, 404, and 1002 thereof.

Accordingly, It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions, contained in Avalon Air Transport, Inc.'s tariff, C.A.B. 5, including subsequent revisions and reissues thereof, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. Copy of this order be served upon Avalon Air Transport, Inc., which is made a party to this proceeding.

[1] Avalon Air Transport, Inc., Local Commuter Passenger Tariff No. 1, C.A.B. 5.

[2] Orders E-14513 of October 1, 1959, and E-14602 of November 2, 1959. Allegheny thereafter incorporated a rule or regulation allowing unlimited transferability of book-ticket coupons which was suspended by the Board by Order E-14675 of January 29, 1960, pending investigation. Avalon's proposed tariff limits transfers to a spouse or to a child under 18 years of age.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-3934; Filed, Apr. 29, 1960; 8:50 a.m.]

DEPARTMENT OF STATE

International Cooperation Administration

MEDICO, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (I.C.A. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to the following agency:

MEDICO, Inc., 420 Lexington Avenue, Room 330, New York 17, N.Y.

L. J. SACCIO,
Acting Director.

APRIL 26, 1960.

[F.R. Doc. 60-3912; Filed; Apr. 29, 1960; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1959 Revision; Supp. 16]

NATIONAL STANDARD INSURANCE CO.

Surety Company Acceptable on Federal Bonds

APRIL 27, 1960.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. secs. 6-13, as an acceptable surety on Federal bonds. The Certificate of Authority is effective as of May 1, 1960.

An underwriting limitation of $206,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

TEXAS

National Standard Insurance Company, Houston.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3938; Filed, Apr. 29, 1960; 8:50 a.m.]

[T.D. 55115]

HARDBOARD FROM SWEDEN

Antidumping

APRIL 25, 1960.

The Acting Secretary of the Treasury further partially rescinds the finding of dumping with respect to Swedish hardboard.

After due investigation, I find, as of April 25, 1960, that the following exporter of hardboard from Sweden is no longer selling, or likely to sell, hardboard to the United States at less than its fair value:

Aktiebolaget Statens Skogsindustrier.

The finding of dumping made August 26, 1954, as modified by T.D. 54168, T.D. 54199, T.D. 55006, and T.D. 55019, is further modified accordingly.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3939; Filed, Apr. 29, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-7]

MISSISSIPPI RIVER FUEL CORP.

Order Providing for Hearing on and Suspension of Proposed Revised Tariff Sheet

APRIL 25, 1960.

On March 25, 1960, Mississippi River Fuel Corporation (Mississippi) tendered for filing Fifth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, proposing an annual increase in rates of $2,597,164, or 8.2 percent, based on sales for the year 1959.

Mississippi states the increased rates are filed to compensate it for increased costs experienced since 1957 in wages and salaries, taxes, cost of capital and gas supply. Mississippi states that since 1957 United Gas Pipe Line Company, a major supplier, has filed for additional increases to Mississippi in Docket Nos. G-15360, G-18406 and RP60-2, with the last such increase suspended until August 13, 1960. The company proposes an 8 percent rate of return for its transmission system facilities and a return

before income taxes of 23 percent on its production division.

Mississippi proposes that the increase become effective May 15, 1960 or, if suspended, that the suspension period end on August 13, 1960, coincidentally with that of United in Docket No. RP60–2.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheet No. 4, and that said proposed tariff sheet and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fifth Revised Sheet No. 4.

(B) Pending such hearing and decision thereon Fifth Revised Sheet No. 4 to Mississippi's FPC Gas Tariff, Original Volume No. 1, is suspended until August 13, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before June 9, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3910; Filed, Apr. 29, 1960; 8:47 a.m.]

[Docket No. RI60–92, etc.]

OHIO OIL CO. ET AL.

Notice of Postponement of Hearing

APRIL 22, 1960.

In the matter of The Ohio Oil Company, Docket No. RI60–92; The Ohio Oil Company, Docket Nos. G–12037, G–13465, G–13521, G–14010, G–16688, G–16672, G–17275, G–17986, G–19763; The Ohio Oil Company, et al., Docket No. G–12045; The Ohio Oil Company (Operator), et al., Docket Nos. G–13475, G–20185.

Upon consideration of the motion filed March 7, 1960 by Counsel for The Ohio Oil Company for continuance of the hearing now scheduled for May 10, 1960 in the above-designated matters;

The hearing now scheduled for May 10, 1960, is hereby postponed to September 13, 1960, at 10:00 a.m., d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3911; Filed, Apr. 29, 1960; 8:47 a.m.]

[Project No. 1394]

CALIFORNIA ELECTRIC POWER CO.

Notice of Land Withdrawal, California; Modification

APRIL 25, 1960.

In accordance with the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice was given to the Commissioner, General Land Office, United States Department of the Interior, by letters dated January 22, 1923, December 22, 1933, June 3, 1936 (2), and April 22, 1937, of the reservation from entry, location or other disposal of parts of the following described lands by reason of being included in various power projects for which applications for licenses had been made.

Subsequent to the time of the above notices, the several power projects; viz., Projects Nos. 374, 595, 607 and 1394, have been consolidated through various orders issued by the Federal Power Commission, under Project No. 1394.

A detailed examination of the completed consolidated project maps indicates that, while no change in project area is involved, there are some subdivisions or parts thereof which should properly have been withdrawn for the respective project but were not and properly have been withdrawn for the other subdivisions or parts thereof which appear to have been erroneously withdrawn. Most of the omissions resulted from the fact that the specific tracts had previously been reserved by applications for Projects Nos. 320 and 556 which proposed but did not develop certain power facilities and works similar to those completed under consolidated Project No. 1394. Upon the filing of the applications for Project No. 1394 and/or its component projects, no notice was given of the withdrawal thereunder of lands which had been so previously withdrawn.

In order to correct this situation, to correct minor omissions made in the original notices for Projects Nos. 374, 595, 607 and 1394 and to consolidate all the affected lands under the designation, Project No. 1394, it is deemed appropriate and necessary to issue this notice of a modified list of lands reserved by the filing of applications for the aforementioned projects.

Therefore, the following land list modifies and supersedes the lists heretofore recited in the notices of withdrawal, in their entirety, for the several projects above mentioned:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivisions lying within the project boundaries (for dams, reservoirs, conduits, pipelines, bus structures, operators' quarters, etc.), as delimited on map Exhibits "J" and "K", sheets 1 through 10 (F.P.C. Nos. 1394–2a, 3, 4, 5, 5a, 5c, 6, 7, 8, 9, 10, 11 and 12), and which (as to those sections or townships not surveyed) when surveyed, will probably lie within the subdivisions herein set forth:

T. 8 S., R. 30 E. (Unsurveyed),
Sec. 1: S½SE¼;
Sec. 3: SE¼NE¼, NE¼SE¼;
Sec. 12: NE¼NE¼;
Sec. 25: SW¼SW¼;
Sec. 26: S½SE¼;
Sec. 35: N½ N½SW¼
Sec. 36: NW¼NW¼, SE¼SE¼.

T. 7 S., R. 31 E.,
Sec. 25: E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 34: SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 35: N½NE¼, E½NW¼, SW¼NW¼.

T. 8 S., R. 31 E.,
Sec. 3: N½NW¼, N½SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 4: E½SE¼, SW¼SE¼;
Sec. 5: SW¼SW¼, S½SE¼;
Sec. 6: Lot 7 (SW¼SW¼);
Sec. 7: Lot 1 (NW¼NW¼), E½NE¼;
Sec. 8: NE¼NE¼;
Sec. 9: N½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 16: W½, SE¼;
Sec. 17: SE¼SE¼;
Sec. 21: NE¼NE¼, NW¼NW¼;
Sec. 30: Unpatented parts of NW¼NE¼ and NE¼NW¼;
Sec. 31: SW¼NE¼, SE¼NW¼, SW¼, W½SE¼.

T. 9 S., R. 31 E. (Unsurveyed),
Sec. 4: SW¼SW¼;
Sec. 5: W½NW¼, SW¼SW¼, S½SE¼;
Sec. 6: NE¼, S½SE¼;
Sec. 7: NE¼;
Sec. 8: N½NE¼, SE¼NE¼, W½NW¼;
Sec. 9: W½NW¼;
Sec. 10: S½SE¼;
Sec. 11: S½;
Sec. 14: N½NW¼, SW¼NW¼;
Sec. 15: E½;
Sec. 22: N½NE¼, NE¼NW¼.

T. 7 S., R. 32 E.,
Sec. 17: S½SW¼, SW¼SE¼;
Sec. 19: Lots 3, 4, E½SW¼, W½SE¼, W½NE¼SE¼;
Sec. 20: NW¼NW¼;
Sec. 30: Lot 1 (NW¼NW¼).

Also, all portions of the following described subdivisions lying within 25 feet of the centerline of the transmission lines as delimited on map Exhibits "K", sheets 8 through 12 (F.P.C. Nos. 1394–8, 9, 10, 11 and 12):

T. 7 S., R. 31 E.,
Sec. 24: SE¼SE¼;
Sec. 25: E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 34: E½SE¼, SW¼SE¼;
Sec. 35: N½NE¼, SE¼NW¼, N½SW¼.

T. 8 S., R. 31 E.,
Sec. 3: NW¼NE¼, NE¼NW¼, N½SE¼NW¼;
Sec. 4: E½SE¼;
Sec. 9: W½NE¼, SE¼NW¼, E½SW¼;
Sec. 16: E½W½;
Sec. 20: E½NE¼, SE¼SW¼, SW¼SE¼;
Sec. 21: NW¼NW¼;
Sec. 29: Unpatented parts of N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 30: E½SE¼;
Sec. 31: E½NE¼, SW¼NE¼, NW¼SE¼.

T. 7 S., R. 32 E.,
Sec. 17: S½SW¼, SW¼SE¼;
Sec. 19: S½SW¼, W½SE¼, W½NE¼SE¼;
Sec. 20: W½NW¼;
Sec. 30: NW¼NW¼.

Also, all portions of the following described subdivisions lying within 50 feet of the centerline of the transmission lines as delimited on map Exhibits "K", sheets 8 and 9 (F.P.C. Nos. 1394–10 and 11):

T. 7 S., R. 31 E.,
Sec. 25: S½SW¼, SE¼.
T. 7 S., R. 32 E.,
Sec. 19: N½SE¼, SE¼SE¼;
Sec. 20: NE¼NE¼, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 30: N½NE¼, SW¼NE¼, E½SE¼NW¼, N½SW¼.

The general determination made by the Commission on April 17, 1922 (2d Ann. Rept. 128) is applicable with respect to those portions of the aforesaid lands embraced in a transmission line right-of-way.

Portions of the above lands were included in applications for power Projects Nos. 97, 330 and 1370 but no formal notices of land withdrawal were given. The proposed developments, to the extent that the above lands were involved, were practically identical with the works constructed under consolidated Project No. 1394. Since the land records reflect no withdrawals made pursuant to the filing of applications for these defunct projects, it is considered that further action in this respect is unnecessary and would serve no purpose.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3928; Filed, Apr. 29, 1960; 8:49 a.m.]

[Docket No. G–20269]

TRUNKLINE GAS CO.

Notice of Date of Hearing

APRIL 26, 1960.

Notice of the application in the above numbered docket was given on March 9, 1960, and published in the FEDERAL REGISTER on March 15, 1960 (25 F.R. p. 2144). The date for filing protests or petitions to intervene was fixed by said notice as on or before April 1, 1960.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–3929; Filed, Apr. 29, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1284]

B.T.L. CORP.

Notice of and Order for Hearing

APRIL 25, 1960.

Notice is hereby given that B.T.L. Corporation ("B.T.L."), has filed an application and amendments thereto, pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act"), for an order declaring it to be engaged primarily in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. In connection with its application, B.T.L. has also requested that the 60 day exemption from the provisions of the Act provided under section 3(b)(2) of the Act be extended until the disposition by the Commission of such application, as hereinafter described.

B.T.L., which was formerly known as Butler Brothers, was incorporated under the laws of Illinois in 1887 and until recently had been engaged in the distribution of general merchandise. On February 11, 1960, B.T.L. sold to City Products Corporation all of its business, assets and properties as a going concern, including the right to use the name "Butler Brothers". The sales price consisted of approximately $35,000,000 in cash and $14,000,000 principal amount of subordinated installment notes of the purchaser, bearing interest at the rate of 6 percent per annum, in varying maturities of from one to five years from the closing date of the sale. Immediately after the sale, the assets of B.T.L. consisted solely of such cash and notes.

Section 3(a)(3) of the Act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3(b)(2) of the Act provides, that, notwithstanding section 3(a)(3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Applicant contends that despite the fact that it presently comes within the definition of an investment company under section 3(a)(3) of the Act, it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. The application states that B.T.L. expects and intends to return to variety store merchandising and is presently embarked upon a program of consolidating and increasing its investments in the variety stores field. The application points out that on March 2, 1960, B.T.L. purchased for the sum of $11.21 per share, in cash, 261,145 shares of the second preferred stock and 363,195 shares of the common stock of United Stores Corporation ("United") for an aggregate purchase price of $7,000,000. Additional shares were subsequently purchased and by April 11, 1960, B.T.L. had acquired a total of 386,295 shares or 75.25 percent of the common stock and 435,845 shares or 38.73 percent of second preferred stock, representing a total of 50.16 percent of United's outstanding voting securities.

United operates a small chain of variety stores and owns approximately 39 percent of the outstanding common stock of McCrory-McLellan Corp. ("McCrory"), which in turn operates a chain of variety stores. The application also states that as of March 14, 1960, B.T.L. beneficially owned 112,300 shares of common stock of H. L. Green Company, Inc. ("H. L. Green"), which is also in the variety store business. The holdings of B.T.L. in the latter company represents slightly less than 10 percent of the outstanding common stock of that company. It is stated in the application that B.T.L. presently contemplates purchasing additional stock of H. L. Green and intends in every way to be and remain active in the control, and direction of the affairs of United and McCrory.

The application was filed on February 11, 1960. Section 3(b)(2) of the Act provides that the filing of an application under that Section shall exempt an applicant for a period of sixty days from all provisions of the Act applicable to investment companies. It also provides that for cause shown the Commission by order may extend such period of exemption. B.T.L. has requested an extension of the exemption period on the basis of a commitment that pending determination of its status under the Act, it will not, without prior approval of the Commission, engage in any transaction or take any action which would be prohibited to a registered investment company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on

the 12th day of May, 1960 at 10 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the Rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Irving Schiller, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following question is presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

Whether B.T.L. is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to B.T.L. Corporation and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

Notice is further given that any interested person may, not later than May 6, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application by B.T.L. Corporation for an extension of the exemption from the provisions of the Act, subject to the commitment noted above, until the final disposition by the Commission of the application filed pursuant to section 3(b)(2) of the Act, accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-3914; Filed, Apr. 29, 1960; 8:48 a.m.]

[File 7-2067]

UNITED INDUSTRIAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 26, 1960.

In the matter of application of the Detroit Stock Exchange for Unlisted Trading Privileges in a Certain Security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

United Industrial Corporation; File 7-2067.

Upon receipt of a request, on or before May 13, 1960 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-3915; Filed, Apr. 29, 1960; 8:48 a.m.]

[File No. 1-3172]

WEST INDIES SUGAR CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

APRIL 26, 1960.

In the matter of West Indies Sugar Corporation, Common Stock, File No. 1-3172.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Stockholders of the Company have adopted a Plan of Complete Liquidation and an initial liquidating distribution has been made.

Upon receipt of a request, on or before May 13, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-3916; Filed, Apr. 29, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 903]

PACIFIC COAST-PUERTO RICO; GENERAL INCREASE IN RATES

Notice of Investigation and of Hearing

On April 19, 1960, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board tariff schedules setting forth new increased rates and charges, and new rules, regulations and practices affecting such rates and charges, from U.S. Pacific Coast ports on the one hand to ports in Puerto Rico on the other to become effective April 20, 1960, designated as follows:

Loose-leaf revised pages (or designated items) specified in Appendix attached hereto, to Pacific Coast-Puerto Rican Conference Tariff No. 1-D, Agent C. R. Nickerson, F.M.B.-F. No. 4, and

Loose-leaf revised pages (or designated items) specified in Appendix attached hereto, to Isbrandtsen Company, Inc., U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.-F. No. 2; and

It further appearing that upon consideration of said schedules and protests

thereto, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That an investigation be, and is hereby, instituted into and concerning the lawfulness of the rates, charges, rules and regulations contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances warrant; and

It is further ordered, That the operation of said pages, and/or designated items of revised pages specified in attached Appendix, be suspended and that the use thereof be deferred to and including August 17, 1960, unless otherwise authorized by the Board; and

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board; and

It is further ordered, That there shall be filed immediately with the Board by Pacific Coast-Puerto Rican Conference, C. R. Nickerson, Agent, a consecutively numbered supplement to Pacific Coast Puerto Rican Conference Tariff No. 1–D, F.M.B.–F. No. 4, and a consecutively numbered supplement by Isbrandtsen Company, Inc., to its U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.–F. No. 2, which shall reproduce the portion of this Order and Appendix wherein the suspended pages and designated items are described, and shall state that such pages and items are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the 18th day of August 1960, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those which are sought to be altered thereby, may be changed during the period of suspension, unless otherwise authorized by the Board; and

It is further ordered, That copies of this order shall be filed with said tariffs in the Regulation Office of the Federal Maritime Board, that a copy hereof shall be forthwith served upon Pan-Atlantic Steamship Corporation, Pope and Talbot, Inc., Waterman Steamship Corporation (Puerto Rico Division), Pacific Coast Puerto Rican Conference, C. R. Nickerson, Agent; and Isbrandtsen Company, Inc., and said agent and carriers be, and they are hereby, made respondents in this proceeding; that a copy of this order be published in the FEDERAL REGISTER; and that protestants, and respondents be duly notified of the time and place of the hearing herein ordered, and that notice of such hearing be published in the FEDERAL REGISTER.

APPENDIX

Pacific Coast-Puerto Rican Conference Tariff No. 1–D, Agent C. R. Nickerson, F.M.B.–F. No. 4, as follows:

Item 110 of 3d Revised Page 19.
Item 200 of 6th Revised Page 22.
8th Revised Page 39.
17th Revised Page 40.
14th Revised Page 41.
28th Revised Page 42.
12th Revised Page 43.
11th Revised Page 44.
10th Revised Page 45.
8th Revised Page 46.
8th Revised Page 47.
22d Revised Page 48.
13th Revised Page 49.
16th Revised Page 50.
8th Revised Page 51.
9th Revised Page 52.
32d Revised Page 53.
14th Revised Page 54.
7th Revised Page 55.
9th Revised Page 56.
13th Revised Page 57.
9th Revised Page 58.
7th Revised Page 59.
9th Revised Page 60.

Effective April 20, 1960.

Isbrandtsen Company, Inc., U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.–F. No. 2 as follows:

4th Revised Page 37.
16th Revised Page 38.
4th Revised Page 39.
17th Revised Page 40.
6th Revised Page 41.
4th Revised Page 42.
4th Revised Page 43.
5th Revised Page 44.
4th Revised Page 45.
16th Revised Page 46.
4th Revised Page 47.
4th Revised Page 48.
5th Revised Page 49.
5th Revised Page 50.
14th Revised Page 51.
10th Revised Page 52.
6th Revised Page 53.
6th Revised Page 54.
5th Revised Page 55.
4th Revised Page 56.
4th Revised Page 57.
5th Revised Page 58.

Effective April 20, 1960.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be conducted in accordance with the Board's Rules of Practice and Procedure, at a date and place to be announced by the Chief Examiner, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: April 26, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–3931; Filed, Apr. 29, 1960; 8:49 a.m.]

MEMBER LINES OF JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 3103–15, between the member lines of the Japan-Atlantic and Gulf Freight Conference, modifies the basic agreement of that conference (No. 3103, as amended), which covers the transportation of cargo from Japan, Korea and Okinawa to Atlantic and Gulf ports of North America. The purpose of the modification is to institute a Fidelity Commission System under which shippers who confine all their shipments to conference members during each successive four-month period will be allowed a commission of 9½ percent of ocean freight paid on their shipments.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 26, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–3932; Filed, Apr. 29, 1960; 8:50 a.m.]

Office of the Secretary

ARVID O. LUNDELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.

B. Additions: American Airlines, Inc., Commodities Futures, Cooper Tire & Rubber Corp., International Telephone & Telegraph Co., Telecomputing Corp.

Dated: April 19, 1960.

This statement is made as of April 8, 1960.

ARVID O. LUNDELL.

[F.R. Doc. 60–3923; Filed, Apr. 29, 1960; 8:48 a.m.]

GLENN E. CARTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of April 20, 1960.

Dated: April 20, 1960.

GLENN E. CARTER.

[F.R. Doc. 60-3924; Filed, Apr. 29, 1960; 8:48 a.m.]

NORVAL W. POSTWEILER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: General Motors.
B. Additions: No change.

This statement is made as of April 20, 1960.

Dated: April 20, 1960.

NORVAL W. POSTWEILER.

[F.R. Doc. 60-3925; Filed, Apr. 29, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the University of Maryland, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license to construct and operate a 10 kilowatt (thermal) tank-type training and research reactor on the University's campus in College Park, Maryland. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 25th day of April 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-3896; Filed, Apr. 29, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36196: *Substituted Service—PRR, RF&P and SAL for Atlantic States Motor Lines, Inc., et al.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 29), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Charlotte, N.C., and Atlanta, Ga., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Southern Motor Carriers Rate Conference tariff, I.C.C. 33, MF-I.C.C. 1071.

FSA No. 36197: *Fine coal—Ill., Ind., and Ky., to Ontonagon, Mich.* Filed by Illinois Freight Association, Agent (No. 95), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads from mine groups in Illinois, Indiana, and western Kentucky, as described in the application to Ontonagon, Mich.

Grounds for relief: Competition with other types of fuel.

Tariffs: Supplement 101 to Atchison, Topeka and Santa Fe Railway tariff, I.C.C. 14708, and 14 other schedules listed in the application.

FSA No. 36198: *Fine coal—Illinois to Ottumwa, Iowa.* Filed by Illinois Freight Association, Agent (No. 98), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads from GM&O RR mine groups in northern Illinois, as described in the application to Ottumwa, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 130 to Gulf, Mobile and Ohio Railroad tariff I.C.C. 262.

FSA No. 36199: *Substituted service—CRI&P for Southern-Plaza, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 234), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., and Oklahoma City, Okla., and between Kansas City (Armourdale), Kans., on the one hand, and Oklahoma City, Okla., Amarillo, Dallas, and Fort Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 130 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36200: *Substituted service—C&NW for H&W Motor Express Co., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 237), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Cedar Rapids and Council Bluffs, Iowa, on the other, and between St. Paul, Minn., and Council Bluffs, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 130 to Middlewest Motor Freight Bureau tariff MF I.C.C. 223.

FSA No. 36201: *Substituted service—C&NW for Jones Truck Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 239), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., on the one hand, and Oklahoma City, Okla., Dallas and Ft. Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 130 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36202: *Substituted service—IC for Campbell Sixty-Six Express, Inc., et al.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 30), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, (1) between Memphis, Tenn., on the one hand, and Birmingham, Ala., Jackson, Miss., and New Orleans, La., on the other, and (2) between Jackson, Miss., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Southern Motor Carriers Rate Conference, tariff I.C.C. 33, MF-I.C.C. 1071.

FSA No. 36203: *Substituted service—IC for Strickland Transportation Co., Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 13), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Chicago, Ill., on the one hand, and East St. Louis, Ill., Memphis, Tenn., and New Orleans, La., on the other, and (2) between East St. Louis, Ill., on the one hand, and Memphis, Tenn., and New Orleans, La., on the other, on traffic originating at or destined to points beyond such points, as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, tariff MF-I.C.C. 220.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-3920; Filed, Apr. 29, 1960; 8:48 a.m.]

[Notice 305]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63163. By order of April 25, 1960, The Transfer Board approved the transfer to State Express, Inc., Baltimore, Md., of Certificate in No. MC 72022, issued March 17, 1952, to Caroline O. Starry, doing business as State Express, Baltimore, Md., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Baltimore, Md., and Alexandria, Va. James E. Wilson, 1111 "E" Street NW., Washington, D.C., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3921; Filed, Apr. 29, 1960; 8:48 a.m.]

[Notice 305-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61852. By order of April 28, 1960, Division 4, acting as an Appellate Division approved the transfer to Century Produce System, Inc., Zeeland, Mich.; of Permit in No. MC 55893 issued November 15, 1949, to Clair H. Penrod, doing business as Penrod Trucking Service, Lansing, Mich.; authorizing the transportation of: beans, fertilizer feed, and fence materials, from, to, or between, specified points in Illinois, Michigan, Kentucky, West Virginia, Iowa, and Ohio. L. F. Richardson, Michigan National Tower, Lansing 8, Mich., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3968; Filed, Apr. 29, 1960; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

	Page
PROCLAMATIONS:	
Dec. 30, 1907	3199
Oct. 7, 1911	3199
2033	3153
2286	3153
2372	3153
3341	2831
3342	2943
3343	3153
3344	3153
EXECUTIVE ORDERS:	
Jan. 7, 1903	3474
July 1, 1908	3199
July 2, 1910	3007
Feb. 14, 1917	2840
1919½	3475
3825	3475
4203	3474
7219	3475
7354	3475
10855	3569
10873	3097
10874	3457
10875	3567
10876	3569

5 CFR

2	3464
4	3116
6	2755, 2832, 3057, 3613, 3705
20	2833
36	3543
89	2823
201	3753
204	3753
325	2877

6 CFR

331	2877, 3307
375	3057
384	2878
421	3303, 3570, 3613, 3615, 3781
434	2785
477	3118
482	3309, 3544

7 CFR

28	3548
51	2878, 3059
52	3705
210	3749
301	3118
319	3749
354	3749
718	3785
719	2880
728	2881, 2882, 3119, 3507
729	3349
730	3021
850	3574
855	3508
861	3120
862	3121
906	3786
922	3021, 3061, 3312, 3549, 3794
930	3795
933	2755, 2788, 3749, 3795
947	3796
953	2789, 3062, 3313, 3350, 3549, 3575, 3803
955	3510
970	2944
972	3233
995	3804
1001	3313
1015	3315, 3804
1021	3395
1023	3805
1024	2789
1065	3395
1069	3314
1070	3315, 3812
1101	3154
1105	3154
PROPOSED RULES:	
26	3733
29	3764
55	3528
56	3652
70	3262
718	3338
722	3529
730	3530
900—1070	3728
906	3324
911	3378
912	2842
930	3176
934	3414
943	3177, 3419
944	2842
947	2842, 3266
951	2993
958	3653
961	2769, 3214
963	3420
966	2859
980	3422
982	3419
989	3037
993	2996
995	3337
1010	2769, 3214
1023	3080, 3668
1025	2899
1029	3579

8 CFR

212	3550
214	3754
511	3458

9 CFR

78	2883, 3619
PROPOSED RULES:	
131	3127
201	2803